



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF  
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

**Reference: Adoption of children from overseas**

THURSDAY, 21 JULY 2005

BRISBANE

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**HOUSE OF REPRESENTATIVES**  
**STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES**

**Thursday, 21 July 2005**

**Members:** Mrs Bronwyn Bishop (*Chair*), Mrs Irwin (*Deputy Chair*), Mr Cadman, Ms Kate Ellis, Mrs Elson, Mr Fawcett, Ms George, Mrs Markus, Mr Quick and Mr Ticehurst

**Members in attendance:** Mrs Bronwyn Bishop, Ms Kate Ellis, Mrs Irwin and Mr Quick

**Terms of reference for the inquiry:**

To inquire into and report on:

How the Australian Government can better assist Australians who are adopting or have adopted children from overseas countries (intercountry placement adoptions) with particular reference to:

1. Any inconsistencies between state and territory approval processes for overseas adoptions; and
2. Any inconsistencies between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas.

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**Committee met at 9.38 am**

**CHAIR (Mrs Bronwyn Bishop)**—I declare open this public meeting of the House of Representatives Standing Committee on Family and Human Services conducting its inquiry into the adoption of children from overseas and related issues. Within the last week this inquiry has attracted considerable national attention. We have received over 200 submissions to date, the vast majority from parents and couples who wish to grow their families and help orphaned or abandoned children from overseas. This is the first public hearing for this inquiry the committee has held outside Canberra. The committee has received more submissions from Queensland than any other state, so it was important for us to make our first trip here.

Some of you in the audience may wish to know whether the Queensland Department of Child Safety will be giving evidence today. I invited the department, through its minister, the Hon. Mike Reynolds MP, to appear today. The minister replied that he did not think it would be necessary, given that its submission is a comprehensive statement of Queensland's policies and processes. Just this morning the committee authorised the public release of the department's submission. A copy will be posted on the internet later this morning, and we have one or two spare copies for the audience today as well.

This hearing is open to the public and a transcript of what is said will be made available via the committee's web site. If you would like further details about the inquiry or transcripts, please ask any of the committee staff who are here at the hearing today.

[9.40 am]

**FINKEL, Mr Stephen Derek, President, Australia Korean Friendship Group Queensland Inc.**

*Witness was then sworn or affirmed—*

**CHAIR**—I now welcome Mr Stephen Finkel from the Australian Korean Friendship Group Queensland Inc. Would you like to make an opening statement?

**Mr Finkel**—Thank you very much for this opportunity to address you today and to give you some of our thoughts on and experiences with intercountry adoption in Queensland. As you have already mentioned, Queensland has submitted a large number of submissions in this field. Queensland welcomes the committee here and welcomes their work. I will give you a little bit of background about our group. The Australian Korean Friendship Group was formed basically as a support network for South Korean adoptees and parents wishing to adopt from South Korea. There are a very large number of South Korean adoptees living in Queensland. The Korean program has been running for many years and has been a very strong program. Typically between 15 and 17 children come to Queensland from South Korea each year, so over the last 25 years or so we have welcomed a lot of Korean children to Queensland.

The support group exists due to the need to support parents through the process of adopting, which is not simple. Most parents welcome the fact that a lot of the process is about checks and balances and making sure that parents who are adopting are 100 per cent committed to raising the child. We welcome that side of the process. No-one ever wants to see the process fast-tracked or those areas removed. What we do find is that there is a lot of unnecessary red tape and time delays that happen with the process. We are able to track time lines from the other states, and we see that Queensland has always had the longest time line of any state in processing adoptions.

There is a level playing field with each country. Every state deals with the one orphanage in South Korea, which is Eastern Social Welfare. We all work under one set of rules governed by the Korean government. The inconsistency has been that each state has had different time lines to fulfil the process. The different fee structures for each state have also been questioned because each state is carrying out the same physical amount of work.

I have visited South Korea on many occasions and have spoken to the people in the orphanage. They are perplexed when they are dealing with Australia. They see Australia as a country but when they deal with each individual state it appears that they are dealing with several different countries. Australia in most overseas countries' minds is one country. We have unnecessary steps at the moment with the state government administered adoption system and each state using its own set of rules and regulations. To move forward we need to have a uniform set of rules that all states and territories abide by, to give the overseas countries a measure of the commitment of Australia and its intentions for adopting children from overseas. These countries put tremendous trust in us by placing their children with us.



One thing I would like to note is that we are talking about children's lives. We can never forget that fact. We can talk about the process, but the process, at the end of the day, means that that child will come into a family and will be raised by and will grow up with that family. As parents and as administrators, we have a very important role to play, I believe, in trying to get the best possible situation for the children. We need to move them through the process as quickly as possible and avoid unnecessary delays. We have situations where children are delayed in care situations because of red tape at this end. We would like to try to streamline that and make them move through as quickly as possible. As Australians we have to think of ourselves as global citizens. As global citizens, I believe we have a duty of care to all children in the world. Hopefully, those will be some of the outcomes of this inquiry.

**CHAIR**—Under the existing system, New South Wales has responsibility for liaison with Korea. How did you find that impacted on you, being an adoptive parent from Queensland?

**Mr Finkel**—There have been some difficulties with having one state as the lead state. That has been questioned over a number of years. Korea has a quota system, where it will ask for a number of files to be sent. Once we send that number of files we cannot send any more until the Korean government asks for more. The way those files are distributed amongst Australians has always been questioned, on the numbers. Queensland seemed to always get a lesser number proportionally, on population, than New South Wales and Victoria.

**Mrs IRWIN**—You still do.

**Mr Finkel**—Yes. We do need a way to see that whoever manages the program of a particular country has a fair and equitable distribution of files and resources for that country.

**CHAIR**—And you do not feel that that happens now?

**Mr Finkel**—I do not feel that that is happening currently.

**CHAIR**—You said that Korea finds it rather perplexing that, Australia being a single country, it deals with state governments.

**Mr Finkel**—My experience has been that the Queensland government has never had an official representation to Eastern. So no-one from the Queensland government has visited Eastern in the last 10 years, to my knowledge. That means that when people like me, in my position as president of a support group, visit the orphanage, the Koreans believe that we have some type of connection with the government even though we are a non-government organisation. They will come up and talk to you and ask you about different things which are really matters that should be dealt with by governments. That is where I get the idea that they are perplexed: because of some of the questions they have asked me when I have been in Korea. I have told the minister on many occasions that Queensland does need to visit the countries that it currently deals with as a matter of courtesy and to set up protocols and identify itself, because, like I said, these countries are putting enormous trust in individuals in Australia who adopt their children.

**Mrs IRWIN**—I want to follow the question that the chair asked. I found it very interesting when you stated that, in South Korea, because the fee structure differs between our states and

territories, they feel that they are not dealing with Australia but with individual countries within Australia. I note that on page 1 of your submission, when you were talking about fees, you said:

Each state deals with the same countries, but each state has different fees and charges, even though they each deliver the same service.

What would you see as being a fair fee and charge?

**Mr Finkel**—There has been some debate about adoption versus IVF and whether, if people form their family through overseas adoption or through a medical procedure, there should be tax relief or some such thing. With most governments these days you will have some type of fee recovery process. I have asked on a number of occasions for an idea of what an overseas adoption costs the government. I have been given various different fees and structures along the way but never a figure for what it actually costs. I have been quoted figures that say it costs the state government about \$12,000 for each overseas adoption that is completed, but I have never had any evidence to prove that. Was the question about what would be a reasonable fee?

**Mrs IRWIN**—Yes.

**Mr Finkel**—I think that most people who adopt from overseas, once they get into the process, realise that there are expenses involved and do expect to pay some type of cost recovery or some portion of the fees. As taxpayers we use government services every day and we do not fully pay for what it costs the government to put those services into place. In the past the government has always subsidised services to the citizens of Australia.

**Mrs IRWIN**—I have other questions, and I know that the chair most probably has as well, but I want to follow on from the statement you have just made. As you know the chair has tabled the Queensland government's submission and it will be on the web site this afternoon. In a letter to the chair the Hon. Mike Reynolds, Minister for Child Safety, called on the Australian government to consider the introduction of adoption tax credits, similar to what is happening in America and Canada. What are your feelings on that?

**Mr Finkel**—I think that would be a fair and workable system. As I said, tax credits have worked in America. In America it is actually means tested as well—that is another component they add to it. I think we have to be careful when it comes to intercountry adoption that it does not become an elitist type situation where only the rich can afford to adopt a child from overseas. There are many parents who would make loving, caring parents who may not have the financial means to continue with an overseas adoption.

**Mrs IRWIN**—I have more questions, but I will follow on later.

**CHAIR**—I congratulate the Queensland government on having removed the maximum age limit at which people can apply to become adoptive parents. I think that was quite a breakthrough.

**Mr Finkel**—I can give you a little background on that. That was a campaign undertaken by organisations like ourselves and various other support groups in Queensland. We lobbied very hard. We had a new minister. It took a long time to actually get to the minister, but after much

persistence we got there. We told him that the situation was unworkable. When we looked at it, it was a reasonably easy exercise for him—it was a regulation, which is much easier to change than a piece of legislation. As you would be aware, the Adoption of Children Act 1964 is under review and will hopefully be tabled in parliament later this year. We do welcome those changes but, like I said, it was not an initiative of the Queensland government; it was an initiative of the adoptive parents of Queensland.

**Mr QUICK**—Is it the same with the de facto rule?

**Mr Finkel**—Again, that has been driven by the adoptive parents.

**Mr QUICK**—So how do the Koreans see all these weird and wonderful rules and regulations from each state basically being like different countries?

**Mr Finkel**—As I said, it clouds them and does give them a level of confusion because they do not fully understand. When we are dealing with different cultures we have to remember that they will perceive things completely differently from how we perceive things. That has always been a difficulty in dealing with overseas countries. That applies even to the way we do reports and different things, and how those are structured. Each state structures reports in a different way, and sometimes that does send mixed messages to the Korean government about what that state is actually saying about those parents.

**Mr QUICK**—You mentioned that the Queensland department has not bothered to go over and see what is happening over there. Do the Korean orphanages or the Korean department wander across to Australia to attend any of the functions that support groups like yours have?

**Mr Finkel**—We have limited capacities for inviting government officials and people from the orphanage. We have invited them on occasions and, in the past, people have come from the orphanage to visit Australia for different functions. We have pondered bringing some of the people from the orphanage to Australia, and we looked at how as a non-government, non-profit organisation we would fund such an exercise. Basically we abandoned the idea because we could not raise the funds. Each time I have been in Korea I have bumped into people from DOCS, South Australian and Victorian departments—

**CHAIR**—All wandering around.

**Mr Finkel**—all wandering around. So we do need to have a point of representation from Australia such that when we are dealing with the countries they can come to me or whoever they are comfortable with.

**CHAIR**—What you are really saying is that the Koreans would think it was more logical if an Australian government representative was based there doing that official work.

**Mr Finkel**—Exactly.

**CHAIR**—I have two more questions that relate to that. You said that we deal with only one agency in South Korea. There is obviously more than one agency.

**Mr Finkel**—There are four agencies, but we have to respect the Korean culture.

**CHAIR**—Is that their decision?

**Mr Finkel**—It is their decision. It has been spoken about in the past when people have had the idea of maybe looking at some of the other orphanages. Eastern would find it offensive if we were to approach another orphanage. That is a Korean cultural thing that we have to respect.

**CHAIR**—Okay. When you make that contact, with New South Wales taking the lead state for Korea, does that mean that the Queensland government then consults with the New South Wales government on its negotiations with that agency?

**Mr Finkel**—There are forms of correspondence. I do not think the communications channels are quite as clear as we would like them to be. We had a situation last year. As part of the whole adoption process, which immigration forms a big part of as well—and you may not be aware of the immigration process and how it works with—

**Mrs IRWIN**—Oh, boy, we do.

**Mr Finkel**—The difficulty for us is that basically we pay the fee in Australia but all the work is done by the embassy in Seoul, so when a couple go to a DIMIA office here, no-one wants to help them because it is not really their job to do that. We were very fortunate to have a meeting with the Hon. Gary Hardgrave when he was in that role. He set up a meeting with DIMIA and flew up some people from Canberra. We sat down and one of the first things I got on the table was: what communications do you have with the Department of Child Safety with regard to overseas adoption? Everyone looked around the table and at each other and thought, 'We don't.' We were receiving advice from the Department of Child Safety on immigration matters—not to contact the embassy and these types of matters. We have since found out, after talking to DIMIA, that we are a client of DIMIA and that, as Australian citizens, we have a right to talk to any Australian embassy in the world at any time. There are other sets of rules and regulations—the Hague convention—regarding contacting things like the orphanage. We cannot contact the orphanage once an adoption process commences, and we respect that. After that meeting my natural response was: why aren't these departments talking to each other when basically they are hand in hand in a process? We need to break down those barriers, open communication channels and get all the players in intercountry adoption talking to each other and giving the correct information and support back to each department.

**CHAIR**—When we started out in this inquiry it seemed to be fairly straightforward—we would look at the things and report quickly—but it is so complex, with these almost internecine arrangements.

**Mr Finkel**—Yes, it is disjointed.

**CHAIR**—One of the things that have burst upon me is that we are not just dealing with adoption; we are dealing also with the creation of a new citizen, and that is very much a federal

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function. Yet all the work that is going on is going on at a state level, which has no ability to confer citizenship. It seems to me that we are in almost a conflict situation.

**Mr Finkel**—Obviously, I have thought about how government processes could change and we could change the way it is administered. Concerning consultation processes with countries, that connection should be at a federal level, and then the day-to-day implementation of adoption-type issues—that is, things like doing the home study and follow-up calls—could be performed at the state level. Because quite often it is a government-to-government arrangement, at the top end we really need an entity who deals with the foreign government.

**CHAIR**—Historically, the bilateral agreements—Korea is a good example—pre-date our ratification of the Hague convention. But presumably the Australian government entered into those bilateral agreements—state governments cannot do that. The agreement with China was entered into post ratification of the Hague convention in 1999 and, again, it is the Australian government that enters into that agreement. But then under this curious MOU—and that is all it is: a memorandum of understanding between the states, territories and Commonwealth—responsibility is hived off, with no sense of logic.

So, on your evidence, as a Queenslander you are not getting your fair quota of files for Queensland's would-be adoptive parents. No Queensland representative has ever gone to Seoul, but there you bump into a whole bunch of people from all the other states who are wandering around having a nice little visit.

**Mr Finkel**—And having that level of communication.

**CHAIR**—And not talking to the immigration person in the embassy.

**Mr Finkel**—We have a very fortunate situation in Seoul at the moment with the chief immigration officer: his two younger siblings are both Korean adoptees. That is a very nice situation because he has a total understanding. He grew up with intercountry adoption. So we welcomed that because it was a breath of fresh air. He totally understood. He saw what his parents went through.

I will raise a point about what has happened historically in intercountry adoptions. I was fortunate enough last year to go to a meeting of older adoptees. I went there for the purpose of talking to them. I am very interested in how they integrate into society and how they deal with the different cultural issues that they might have to deal with. Interestingly, when I spoke to the parents about the difficulties that they had experienced with their adoptions, it could have been that they were going for those adoptions yesterday. So, in 20 years, nothing has changed. The time has now come to really look at introducing change.

Unfortunately, there has been an attitude towards overseas adoption in some departments that we need to address as well. I think some people believe overseas adoption is the wrong move. There have been comments made publicly by various members of the government that overseas adoption could be the next stolen generation. But it is a totally different process. I have absolutely 100 per cent faith in dealing with South Korea that the children are legally put up for adoption and have been relinquished by their birth parents. I have no qualms whatsoever. I have

been to the country. I have met with various people and I am very, very comfortable with the fact that it is a country we can deal with, and which will be very honourable.

Just to give you a bit of an idea, once a child is adopted from South Korea, the Korean government never forgets that child. If the adoptive parents decide to give that child Korean lessons, the Korean government will pick up half the fee. The Korean government this year is sending 22 performers in September to Queensland. Five of those performers are Korean national treasures, and they will perform exclusively for children who have been adopted from South Korea into Queensland. So the Korean government still has a very strong commitment to these children.

**CHAIR**—How many are there from Queensland?

**Mr Finkel**—For International Day, which is coming up on Sunday, I have requested some figures over the last 21 years.

**CHAIR**—I am looking forward to being with you.

**Mr Finkel**—It is going to be a great day, and we welcome you again there. Last year we called for 17 files. We were blessed with 19 children from South Korea. We had a set of twins allocated to a family in Queensland. One of the situations that will occur—and this falls outside the normal due process—is that a birth mother may subsequently have another child and put it up for adoption. The Koreans' first preference, if they know there is a half sibling or full sibling that has previously been adopted, is to approach those parents to ask whether they would consider adopting this child. We had a situation where that happened last year, and we had a set of twins who came into Queensland. So we had 19 who came in last year, but it has typically been around 15, on average, a year.

**Mr QUICK**—If that happens, is the system fast-tracked or do you have to jump through the same hoops?

**Mr Finkel**—It works out completely outside the system. That process is basically done outside the normal process. It is very much fast-tracked. Obviously the immigration component is uniform and stays the same, because it is an immigration matter. But normally that family would go for an assessment process. They do not go for an assessment process by the state government.

**Mr QUICK**—So the state government does not charge for fees?

**Mr Finkel**—I do not believe so.

**Mrs IRWIN**—I want to go to something completely different now—to page 2 of your submission. Under the heading 'Support groups newsletters', it says:

With recent developments in Queensland, couples now have less access and support from newsletters as we have been recently advised—

and this is what I found hard to take—

of strict regulations restricting what we are allowed to publish.

What are those strict regulations? I never thought that in this country we would get to that stage.

**Mr Finkel**—What we have to remember is that the Adoption of Children Act in Queensland was written in 1964, in a very different time to where we are today. The thought of overseas adoption would never have entered the legislators' heads when they wrote that piece of legislation. So we have section 45 in there which talks about publications. Each of the support groups produces a newsletter, and the newsletter will have stories and information about the process and about the families. It is distributed in a closed situation, with only members of the support group. For some of our members who are regional and country members, their only connection with the support group is the newsletter, and I can tell you that they absolutely hang by their mailbox waiting for that newsletter, because that is their lifeline to the rest of the adoption community.

We were advised in December last year to remove from our newsletters photos of children who had been allocated and travel stories which talk about the process of travelling and the process of adoption. At that time, Child Safety had their legal officer read us their interpretation of what section 45 meant. Basically, once a couple enters the adoption process—and that is by putting your name on the expression of interest register—you are now captured under that legislation, and you can no longer, for your entire life in Queensland, ever speak about the process of intercountry adoption. You can never have it published.

**CHAIR**—You're kidding!

**Mr Finkel**—No. Following on from that, when the children from South Korea come into the country, they come in on an interim adoption order. They are under the care of the director-general. That child cannot be published or identified during that process. If we were to put their photo in a newsletter and say, 'Mr and Mrs Smith welcome the arrival of little Johnny,' and we publish that, we are now being told that we would be breaking the law.

**Mrs IRWIN**—This is after they have arrived in Australia?

**Mr Finkel**—It is after they have arrived. The legislation, we have been told, captures people as soon as they enter the adoption process. One part of it is that you cannot talk about the mechanics of the adoption. I could not say to you that I had to undergo a police check and that I had to undergo a medical check—these are some of the mechanical parts of applying for an adoption. They are not allowed to be spoken about.

**CHAIR**—That is outrageous! Why?

**Ms KATE ELLIS**—Are those restrictions unique to Queensland as far as you are aware or does that occur anywhere else?

**Mr Finkel**—There are various different guidelines in other states, and we have started to look at other states and how they deal with it. Some of the other states actually talk about publication. Every state has regulations about using the child for publicity and trying to canvass or advertise children for adoption. This is totally outside the scope of that. A number of people have said to

me, 'I have often thought in future years I would like to write a book about my experience. It has been such a positive experience; I would like to share that with the world.' The reality is that it would not be legal to publish that in Queensland.

**Mrs IRWIN**—We might get the secretariat to check if that happens in other states. I am trying to get my head around this. Say you have adopted a little girl. That little girl is based here in Australia. She has arrived safely—for example, three or four weeks ago. You have the adoption papers. Say you have called her Emily. You could not put a photo of Emily in that newsletter to welcome her into your family.

**Mr Finkel**—Exactly.

**Mrs IRWIN**—In New South Wales, my daughter gave birth 12 months ago to a little boy. In the local paper in Tamworth, I think, where her husband came from, there was a photo of Rebecca and Chris and Liam being welcomed into their family. So, if you give birth to a child, you are allowed to put a photo in—I am sure you have seen it in some newspapers throughout Queensland—but, if you adopt a child, you are not.

**Mr Finkel**—That is exactly right, under an interim adoption order.

**Mrs IRWIN**—What a shame!

**Mr Finkel**—It is a shame. We have to be careful that we do not make children that we adopt from overseas different from any other child born in Australia. They need to have the same, equal rights.

**Mr QUICK**—But what happens if they get recognition, say in some sporting endeavour or academic or music endeavour? Are you not allowed to say they are a Korean adoptee who won the 100 metres at Bundaberg high school?

**Mr Finkel**—Once the adoption order has been finalised, which takes 12 months, the person could be but you should never identify them as an adoptee. You can identify them as Johnny Smith, now living in Australia—

**CHAIR**—What?

**Mrs IRWIN**—I am just thinking about your big picnic this Sunday, which should be a fantastic day. Thousands of people are going to be there. There will be national media. So do you go up to each newspaper or television station and say, 'Please don't put the cameras on those children over there, and please don't take photos of them'?

**Mr Finkel**—That is exactly right. There will be a number of broadcasters who will be actually breaking the law this Sunday.

**Mrs IRWIN**—I will be interested to read the papers on Monday.



**Mr Finkel**—It is basically impossible to remove the children who would be under interim adoption orders who could be photographed. They talk about identifying them. What if you take a photograph of a child and publish it? From a photograph you could identify a child.

**Mrs IRWIN**—But this usually happens in the process. You wanted to know if we knew much about migration. If you have people who came over illegally to Australia, say on a leaky boat, and are in our detention centres, you cannot actually photograph them prior to their application going through the system. I can understand that, but I cannot understand what is happening if they are legally here.

**CHAIR**—These are new citizens.

**Mr Finkel**—They are new citizens.

**Mrs IRWIN**—They are Australia's future.

**Mr Finkel**—They are. I often say to people that the next great Australian may be a child from anywhere in the world; Australia is so multicultural.

**Mrs IRWIN**—The future Prime Minister.

**Mr Finkel**—Possibly.

**Mrs IRWIN**—Hopefully female!

**Mr QUICK**—No wonder the Queensland government did not want to come today!

**CHAIR**—Quite right!

**Mrs IRWIN**—I wanted to follow on with one more question; I know that Kate has some questions that she wants to ask. Let us go back to page 2 of your submission where, under the heading 'Applying for Adoption', you state:

Queensland residents wishing to adopt a child/children must either move to another state to apply or wait indefinitely for applications to be called.

Do you have any figures on the number of people that are moving interstate from Queensland to have a better chance of adopting a child?

**Mr Finkel**—We have a number of families who have sold up in Queensland and moved to other states to continue with the adoption process for their children, which would tell you something about those parents and their commitment to those children; their commitment is paramount. Queensland has a unique situation: if my wife and I decided tomorrow that we wanted to adopt a third child from overseas, it is not a reality in Queensland. I would need to move to New South Wales, Victoria or one of the other states to apply. Adoptions are closed in Queensland; you cannot apply for an overseas adoption in Queensland, as we speak today.

**CHAIR**—They have this window, haven't they?

**Mr Finkel**—We pushed the minister very hard. Adoptions were closed for two years and six months to get the system into order and to form a new unit, because the overseas adoptions were being processed by the adoption unit that carried local adoptions. We welcomed the formation of that new unit to deal just with overseas adoptions. Support groups never expected that adoptions would remain closed for 2½ years. Again, there was intense rallying and pressure put on the government to open it and, when it was opened, it was an eight-week window. We had no guarantee regarding when adoptions would open in Queensland. We had an absolute flood of people apply. Some of those people took out insurance policies out; they put an application in just in case they wanted to adopt. So we have this pool of people who applied—

**CHAIR**—Five hundred and eighty-seven of them.

**Mr Finkel**—That is right. Some of those people may never proceed with adoption, but they do not know when it will open again. That uncertainty has caused many couples to move interstate. In some states now, when new residents move into the state, they have to establish six months of residency in that state before they can apply, because they are scared of the trend. In Victoria—not so much in New South Wales—Tasmania, the Northern Territory and South Australia, they are worrying that the influx of these Queensland families into their states is going to slow the process down.

**CHAIR**—Is there a preferred state where they go?

**Mr Finkel**—At the moment, people will do their research and look at the time lines for each state. Sometimes people will have a preference because they have some family connection to a state which will give them some level of support while they are in that state pursuing that.

**Mr QUICK**—How many people work in the local adoption department here in Queensland?

**Mr Finkel**—I do not know the exact figures; it has changed over time.

**Mrs IRWIN**—I think there are 12, if I remember rightly.

**Mr Finkel**—Yes, it is a funny form they use because—

**Mrs IRWIN**—I have seen the figures.

**Mr Finkel**—They are not always full-time employees. Sometimes they will quote a number of man-hour employees rather than a physical number. One of the problems was that the unit was underresourced, and that is why the new unit was set up. I believe that it is still underresourced. We had reservations, I must admit, with Child Safety being the portfolio that children are adopted under in Queensland. We would have been much more comfortable with the Department of Communities. We feel that that is a more appropriate place for children to be dealt with. This goes back to attitudes: the people who work in Child Safety have worked in a background where the children have been neglected and abused, and they come with presupposed ideas of how parenting is. They have seen the worst of parenting, and that is unfortunate.

**Mr QUICK**—How many local adoptions are there in Queensland?

**Mr Finkel**—Local adoptions in Queensland are very few and far between. The majority of them are relative adoptions where, for instance, a mother and father are killed in a car accident and the brother or sister adopts those children to have legal entity over them. There are not many adoptions. In the past—this is why overseas adoptions have come about—in Australia, if you were to apply for a local adoption, you would have been quoted figures like 17 years for a local adoption to proceed.

**Mr QUICK**—So there is no real justification for the department to say that they are overworked if there are hardly any local adoptions?

**Mr Finkel**—That is exactly right.

**Mr QUICK**—So why set up another unit? Is it just window-dressing?

**Mr Finkel**—Some of it could possibly be window-dressing, but a lot of the work that the unit is currently doing is post-adoption stuff. So you have a lot of people who were adopted in Queensland. I think the figure is that about 56,000 local adoptions happened in Queensland that the department currently looks after. Some of the resources for post-adoption things—parent reunions and that type of stuff—are being chewed up by that section. Now at least the section only deals with intercountry adoption. It does not deal with any of the day-to-day running of the local adoptions.

**Mr QUICK**—One last question and I will let Kate have a go: you talk about there being too much red tape. Once you have had a police check, do you have to have another police check for the second child that you adopt?

**Mr Finkel**—Yes, you do, unfortunately. I can talk from personal experience here; I have two children adopted from South Korea. Once we went through that process for our first child, we applied for the second child. We had obviously got our heads around the issues of adopting a child with a different cultural identity and how we were going to raise that child, given their cultural needs. When we adopted our second child, we very fully understood that part of the process and knew it much better than the department could ever understand.

**CHAIR**—Yes.

**Mr Finkel**—Unfortunately, the situation now is that people who are going through a second adoption are treated virtually as if it is a completely new adoption and have to start right at the beginning again. I find that that is an unnecessary step that people need to go through.

**Mr QUICK**—So it is just a moneymaking exercise for the state.

**Mr Finkel**—I do not believe that anyone thinks that this is going to be a revenue-raising measure, because Queensland charges a fee of \$2,000 and they tell me it is about a \$12,000 process for the Queensland government. So they are not doing it to raise revenue.

**Mr QUICK**—But have they given you a justification for the \$12,000? The department have already set up the unit and they are not doing much in the way of local adoptions.

**Mr Finkel**—We do not have a breakdown of how they come to that figure.

**Mr QUICK**—That is why I think it is disappointing that the Queensland government is not here today for us to ask them questions about this. We only have their glossy 80-page submission.

**Mrs IRWIN**—I think the submission is very good. Regarding the police checks, it is understandable that if you had a two-year lapse between adoptions you would have to have that police check. You do not know if there has been sexual abuse or whatever.

**Mr Finkel**—The legislation in Queensland actually calls for you to maintain eligibility, and eligibility is police checks and medical records, say. So they do have an obligation to make sure that the applicant is still eligible to adopt under Queensland law.

**Ms KATE ELLIS**—Most of my specific questions have been answered, but I might ask you one more broadly. I really appreciate your comments that this whole issue is about children and particularly your friendship group's focus on cultural activities. I wanted to ask you what your thoughts are on how you find that balance between a child's need to fit in in Australia and the recognition that these children are unique and have a different background. You make them fully aware of that and appreciate that at the same time. How do you weigh those two up?

**Mr Finkel**—As a parent, I think we all make decisions for our children about how we are going to bring them up. My wife and I basically decided when we committed to adopting from overseas and committed to Korea that we would provide our children with every opportunity to learn about their culture. One story that I tell is about my first visit to Korea. I met a man who was 21 years of age who had been adopted to America at the age of five months. America has very different systems. You do not have to travel to the country; the children are escorted to their new country. Fortunately in Australia the adoptive parents travel to the country and pick the child up, which I think is very important.

I spoke to this boy. He had come back to Korea. At the age of 20, his local church decided to have a theme night and they chose an Asian theme. They said to him, 'Mike, you've got Korean heritage; we'll put you in charge of setting it up.' At that point, he thought to himself: 'I'm American; I'm not Korean. I look Korean, but I'm American.' He had not had that opportunity. At that point in his life, that started him on a journey to travel back to Korea to look at his birth country, to look for his birth mother. He was fortunate enough, after much searching, to actually track his birth mother down. She agreed to meet with him. He felt tremendous frustration because he had so many things that he wanted to relay to her but he could not speak one word of Korean and she could not speak one word of English. It was an incredibly difficult situation.

I thought that we needed to give our children the opportunity, if that day was presented them, to have the resources and skills to deal with that situation. Part of our motivation is to give them those cultural links. The cultural links are things like our involvement with the support group and international day, which we have every year, when we bring all the children together no matter what country they come from. We celebrate their heritage and they dress in their national costumes. We do it with the belief that it is a catalyst for other parents to participate and get their children involved in their culture. We have an opportunity on Sunday, when some older adoptees will be speaking about their experiences growing up in the last 30 years as intercountry adoptees,

of learning the lessons that their parents unfortunately did not have the opportunity to know about—the importance of cultural identity to a person.

**Ms KATE ELLIS**—That is truly admirable. One other quick clarification: you mentioned that there are four different agencies and Australia deals with one. Does that mean that each country only deals with one agency or are there other agencies that deal with more than one country?

**Mr Finkel**—Korea only has agreements with two countries. They adopt to the United States and to Australia, so they are the only two countries that they have intercountry adoptions with. Those other agencies deal with local adoptions. The general public's perception of adoption in Korea over recent times has changed. Local adoptions in Korea are on the increase.

All over Australia we have groups of adopted children and various different parent groups talking. I was fortunate enough to be in Canberra last year and attend a meeting of a Korean adoptee group. I met a gentleman who writes for a Korean newspaper about the stories of these families and what they do. They are published in the Korean newspaper and they are very eagerly read. I think the Korean people embrace the fact that Australian parents are giving their children the opportunity to experience Korean culture. Hence, this will be the third year that the Korean government has sent out performers to Australia. That has been a direct result of the good publicity that has come back from Australia—that these parents really care about these children and are giving them every opportunity to learn about their culture. So the Korean government is saying, 'We're going to back this up, supplement it and give you support as well.'

**CHAIR**—I asked you earlier how many Australians of Korean adoptee background we have.

**Mr Finkel**—I cannot give an exact answer. Like I said, I can tell you that we had 17 in the last year, and typically we have had 15 each year. I have asked the Department of Child Safety to supply me with figures for Sunday for the last 21 years. I may be able to give that information at a later time.

**Mrs IRWIN**—In Korea—I know you have been there a few times—when the birth mother signs over for the adoption of her child, has she a right to say whether she wants that child adopted onshore or offshore?

**Mr Finkel**—When a child is relinquished in South Korea, the mothers have a one-month period. Typically the child will stay in the orphanage for that month because the mother could come back at any stage and decide that she is not going to proceed. A lot of the letters and different things that you read from the birth mothers indicate that they have a preference for overseas adoption. They believe that the children will have a better chance of a good life and a good education because they obviously see Australia and the United States as very affluent societies with good education and health systems in place—things that Korea does not have. So sometimes there is a preference for the birth mother to indicate that the child is adopted out of the country.

**Mrs IRWIN**—Do you have any indication of how many children would be ready to come to Australia for adoption? Do you feel we could take more from Korea?

**Mr Finkel**—We possibly could. This goes to the whole political structure. Korea is divided into two—North Korea and South Korea—and there has been a lot of talk about unification of them. Something that has been discussed is that North Korea would like South Korea to cease overseas adoptions. For some time the South Korean government has been applying a reduction each year to the number of files that are allowed to come in. At the same time they have been promoting within their own country the idea of local adoption. As I said, local adoption has been increasing in that country, which is admirable because obviously the first preference of a country is to care for its children within the country. It is a very brave country that asks another country to raise its children. There are some trends happening and I feel the number of children coming from Korea over time will be lower because they will be taken up within the country.

**CHAIR**—I have not looked recently at the birthrate figure for South Korea. I presume it is over 2.1.

**Mr Finkel**—I could not comment on that; I do not have that data.

**CHAIR**—One of the reasons that not many Australian children are available for adoption is that our birthrate has plummeted to 1.72 or 1.73. It is interesting to note that the peak for adoptions in this country was in 1972, when 10,000 Australian born children were adopted. It quickly went back to 7,000, which had been the plateau, and it has continued to decrease until last year, when it was less than 100. But the number of children born by IVF increased to 7,000 last year—almost the same number as were adopted in the past.

**Mr Finkel**—To bring a point across, a notion has been talked about, particularly at the state government level, when it comes to children who need adoption. It is often said that there are far more adoptive parents than there are children needing adoption. The reality is that many of the countries we deal with have many thousands of children who require parents. Quite often we are told that the process is as it is because there are simply too many parents applying and too few children who need adoption. That is not true; it is a myth and I like to dispel it as quickly as possible. Like I said, as a global citizen we do have some role to play in caring for children no matter where they come from on the planet.

**Mr QUICK**—I have one last question: if someone goes to another country and marries a sole parent with children, and the marriage is recognised and they come back to Australia, how does the state government get involved when the male then decides to adopt the children and have them in his name? For instance, an Australian national marries a sole Korean who has a couple of children. The immigration department is satisfied that the marriage is fair dinkum and they come back to Australia, and he then decides to adopt the children as his. How does the process differ with adopting a child as a couple?

**Mr Finkel**—The process would differ completely because those children exist in the relationship at that point, whereas a child that you adopt from overseas might not have even been born when you started the process.

**Mr QUICK**—So police checks and all that sort of thing are irrelevant because DIMIA has given the stamp?

**Mr Finkel**—I think relative adoption would be deemed here. For a person who marries someone and then decides to adopt their children, the relevant state legislation would take effect. But I do not believe that a home study and that sort of thing would be done. It is something I am not 100 per cent sure of, because I have never researched it.

**CHAIR**—It would be interesting to see the new legislation that has come in. You might remember that we had a briefing on it. It says that, where parents go overseas to adopt children and the adoption is effected overseas, there is not an automatic granting of citizenship prior to that occurring—as was the case. It would be possible that those children could become citizens before they were adopted.

**Mr Finkel**—I know of a case personally. A friend of ours who is in the Australian Navy was stationed in Samoa. He and his wife had decided they would adopt a child. They adopted a child in Samoa. Under Samoan law, they had to be living in the country for a year. He was based there for over a year. He was subsequently posted back in Cairns. That was done with no process, that I am aware, because the adoption was effected outside of Australia.

**CHAIR**—Then they are acknowledged as their children and they get citizenship?

**Mr Finkel**—Yes.

**CHAIR**—Thank you very much for being with us today and for your testimony. Of particular concern is that muzzling of information, which I find quite bizarre in a free country. It is something we will certainly be following up, even though the minister did not think officials needed to attend today—maybe we know why.

**Mr Finkel**—I am very grateful that the committee has taken the time to come to Queensland and speak to the support groups and adoptive parents. I have been talking to people who have previously been on the standing committee. I believe they do a very good job and play a very important role. Thank you.

**CHAIR**—I also point out that all evidence given to this committee is covered by privilege.

[10.37 am]

**CARROLL, Mrs Rita Mary, Coordinator and Past President, Australian Council for Adoption Inc.**

**LAW, Mrs Doral Daphne, Secretary, Australian Council for Adoption Inc.**

*Witnesses were then sworn or affirmed—*

**CHAIR**—Welcome. We have your submission. I now invite you to make an opening statement.

**Mrs Law**—Thank you for giving us the opportunity to be here today. The Australian Council for Adoption would like to acknowledge the success of adoption in Australia. It provides permanent homes and families for children. It provides security and a sense of identity and belonging which other forms of child care do not provide. The submissions to this inquiry from support groups of intercountry adoption families have listed in detail the inconsistencies they have found between the states and in the treatment the children have experienced. They are very detailed. They give details of the fees in each state, which range from \$2,000 to nearly \$10,000, and the different eligibility criteria in each state.

Our submission has been more in general terms. In the 15 years that we have been dealing with officers of adoption sections, not once in all that time have we ever heard one positive word about adoption. The atmosphere is always one of negativity when we deal with them. We feel that the major inconsistency between families where children are born to the parents and those where children are adopted is the attitude of officers within those adoption sections. We would like to present evidence regarding the behaviour of the delegates who represented Australia at the Hague international conference, which was not supportive of full adoptions or intercountry adoptions. The conference took place over four years and we have reports from delegates in other countries regarding the behaviour of those Australian delegates. So we are concerned that the selection of delegates to go to the conference at The Hague in September are people who are supportive of adoption and whose motivation is to support adoption. The attitude does vary a little among the officers of different states but, in our experience, having attended conferences over many years, the antiadoption movement that was prevalent in Australia in the 1990s was endemic in the adoption sections of the department. We would be happy to expand on that issue.

Because of the inconsistencies that we see in the attitude of government departments to adoption compared to attitude to children born into a family, we believe that the Attorney-General, as the central authority for the ratification of the Hague convention, has it within his power to establish independent adoption agencies. Groups representing intercountry adoption have been very frustrated in their efforts to establish independent agencies, which they are entitled to establish under the Hague convention. So far there are none operating in Australia at present. If you have agencies that are independent of the state governments, with the Commonwealth taking its role as the central authority to appoint them and to assist in their establishment, I believe that a lot of the inconsistencies and delays that are occurring now would be overcome. I would recommend that the central authority looks to assisting the establishment



of agencies independent of New South Wales. In the New South Wales submission they say very clearly they do not want to handle intercountry adoptions anymore; they want the Commonwealth to take them over. So I would think that to establish independent agencies would be a very positive step.

**Mrs Carroll**—I would like to comment on a few things that have been said. First of all, when Doral said that we have not heard one positive thing about adoption, I would like to except the current staff of the adoption section in the Queensland child protection unit. Unfortunately, they have not been closely associated with consultation on the new adoption legislation which is coming in; our observation is that they appear to have been kept a little on the outer. But they are certainly far more open-minded about encouraging adoption than any we have had so far; I will mention Kathy Scott, who is the head of adoptions and with whom we communicate fairly frequently. Apart from the current staff there was an antiadoption culture there.

About there being so few local adoptions: you said it was because the birthrate had dropped. But there is another factor. We run a support line for adoptive families since the records were opened in 1990. We only cover Brisbane and the environs. We have had a significant number of young girls ringing us and asking us if we could have their babies adopted because they did not want to parent these babies. Sometimes they were university students. Sometimes they were girls from a lower socioeconomic group who had seen their peers embark on the life of a single mother and who said: 'I don't want this. It's not that I don't love the baby but I'm not prepared to enter into this for the baby's sake or mine.' We would say, 'Go to the state children's department,' which is the only way you can have a baby adopted. They would say, 'We have been there, and we have been told that, if we want to give our children away, we're monsters.' This has been fairly consistent.

I understand that the current minister, Mike Reynolds, is pro adoption. I think he is very much on side with the open adoption philosophy, which is not really a good thing as a blanket thing. There has to be an option for confidentiality, particularly in today's climate; otherwise, as they found in America, you will have trouble having crack-addicted babies adopted—I am talking about locally adopted—because adoptive parents do not want constant visitations by the crack-addicted birth parents, at least until the child is 18. So there has to be an option for confidentiality somewhere along the line. It cannot be just blanket open adoption.

The reason the adoption section is in with child protection is that the terms 'adoption' and 'fostering' are used as one word. In actual fact, they are two totally different systems. Fostering is impermanent. The birth family always has access to the children. The children will always be returned to the birth family as soon as the authorities consider the birth family is able to cope. Two years later, that child is out to another foster family. Adoption is legal adoption, which is permanent—these days until the child is 18, and then of course information about the other party can be given out. But this is the reason it is under child protection—because child protection is concerned with fostering children out because their birth families cannot cope—whereas in fact they are two totally different systems.

They are comments that I wanted to make on what has already been said. There are other factors apart from the fact that babies are not there for adoption. They are. But there is no adoption culture to support these girls who want to have the children adopted. We feel that it is very significant that the child who is most likely to be abused is the child under four years of age

of a single mother who is living in a de facto relationship with a man who is not the father of the child. Take a young girl who is an unwilling mother to start with and is keeping this child because she has been given no other option. We know that the options are single parenthood or abortion; if they do not have an abortion they are given no option but to keep that child and go onto single parent benefit. She becomes lonely and then has another partner. That is what the Australian Institute of Health and Welfare figures are showing every year.

**Mrs Law**—I would like to make a comment. Stephen was talking about the restrictions that have been placed on the intercountry adoption groups. A section of the 1964 Queensland adoption act is being used for this. It surprised me because, in the 1960s, 1970s and even into the 1980s, in the birth notice section of the daily papers there would occur regularly a notice: ‘Brown, Robert and Janice, welcome their chosen child,’ naming the child and a sister or a brother. That went on for 20 or so years. Why suddenly have they thrown in a section of the act to restrict the use of the children’s names? It seems to me to be a punitive type of action.

**CHAIR**—I understood him to say that they had introduced a new regulation in December last year, pursuant to some power in the act.

**Mrs Law**—It is a punitive one.

**CHAIR**—Yes, it is.

**Mr QUICK**—Mrs Carroll, you mentioned the names of some people in the department. How many people actually work in the adoptions department?

**Mrs Carroll**—I heard Doral say 12 when that question was asked, but the department deals with giving out—

**Mr QUICK**—They are not dealing solely with adoption.

**Mrs Carroll**—identifying information for people who apply for it and processing vetoes or objections to contact—which we have in Queensland—objections to giving out identifying information to the other party and objections to contact. They also run a letterbox system, which we are not terribly happy about. If a birth mother applied for information about the child she gave up for adoption 20 years ago and there was a veto against that information going out, the department used to say—I do not know if they still do—‘We are going to ask her for a letter explaining to you why she does not want to meet you.’ Then the adopted person would feel impelled to write a letter explaining why she or he did not want to meet the birth parent. That would then be passed on to the birth parent. This is breaking the law, as it was stated in the Magistrates Court that anybody who acts on behalf of a person who has a veto against making contact is just as much breaking the law by sending a letter or postcard, parking outside the house or making any other attempt to contact. We brought this up with the department.

Our answer is that there should be an information and contact register so that people can register their wish to know about the other party when they register. The local adoption scene is quite different from the overseas adoption scene, with keeping up the cultural heritage and visiting. That is one thing. We have a system where people are likely just to ring up and say, ‘I am your real mother and this is what is happening,’ and cause all sorts of personality and family

breakdowns. We have even known of a family who moved from one state up so they could live in the same street as the adopted person. It has become quite extraordinary. There has to be a little more restriction on freedom of choice in this than there is with the overseas adoption situation.

**CHAIR**—Overseas adoption is not such a problem, is it, because they know right from the beginning that they are adopted.

**Mrs Carroll**—That is right. They also do in most local adoptions, in spite of the myth that these children are not being told they are adopted and all this activity is so that they will never find out. That is not the case. Most adopted people know they are adopted.

**Mrs Law**—There are approximately 400 adoptions annually in Australia, both local and intercountry. The processing costs to the states seem to vary between \$9,000 and \$12,000 per child. We are a very affluent country. Our state and Commonwealth treasurers are very proud of their billion-dollar surpluses. It would seem to me that it does not sit very well with Australians as a whole that the government cannot help by giving tax concessions for the expenses that intercountry adoptive parents incur or parental leave for these parents. If they were to subsidise these fees, say with \$9,000 for each of the 400 children, we would be looking at a subsidy of \$3.6 million a year. Surely generous Australians would support that to bring these children in.

**Mrs IRWIN**—I urge you to have a look at the submission that has been put on the web site, I believe this afternoon, by Minister Reynolds. I thought it was a very good submission. He is calling on the Australian government to consider the introduction of adoption tax credits. That is a good move by him.

**Mrs Law**—In America tax credits are available for adoptions, and I believe that they should be considered in Australia too. The expenses for intercountry adoptions often go as high as \$30,000 and then, if both parents are working, one has to stay at home. They do support this, but nonetheless it does mean a loss in income when they have already incurred tremendous expenses.

**CHAIR**—Is that requirement for a parent to stay home for 12 months after the placement of an overseas adopted child constant right across Australia?

**Mrs Law**—It could vary from state to state. I am not familiar with all the states. The intercountry people would be able to answer that.

**Mr QUICK**—But it does seem strange that the state minister is advocating that the Commonwealth assume a responsibility for tax credits when he does not have the backbone to open the overseas adoption program to all those who want to do it. He opened it for eight weeks and the whole place went berserk, and then he shut the whole thing down and—

**Mrs Law**—Yes. There were very invalid reasons. They brought in an urgent amendment in parliament to close the register for prospective adoptive parents. Previous to that they had been dealt with in chronological order—not exactly, but perhaps they dealt with the first six that had come in to find a suitable match for the child. For some reason they said that there were too many candidates and they closed the register completely. Then, when they re-opened it, they had

this great influx of people wanting to adopt. I have been attending adoption forums where the officers from the department are now asking us for ways in which they can go about assessing those parents—what criteria to use to sort one from another. It was suggested that they should take them in chronological order or from the dates that they came in, and someone said that rural people might be disadvantaged. They virtually do not know how to assess the approximately 600 people who are coming in. Something that does concern us is the image that Australia presents overseas in relation to intercountry adoptions.

**Mrs IRWIN**—That was the question that I was going to ask you. In your submission you stated, and you have also stated verbally, that there is an antiadoption stance in government adoption departments. I think you were going to say that you have evidence: what evidence have you got regarding that claim? You also said that you had concerns regarding a meeting overseas. Was this regarding the Hague conference in September 2004?

**Mrs Law**—The Hague conference took part over four years and Australia sent three delegates, I think. The reports that we received were three independent reports from delegates from other countries attending that conference. As Mrs Carroll was the president at that time, she has the documentation and the order in which we began to receive those reports.

**Mrs IRWIN**—Before Mrs Carroll speaks, were those three delegates from state/territory governments or were they from federal government as a whole?

**Mrs Law**—One report was from Hans van der Loon, the secretary, one was from Susan Cox from Holt International and the other was from William Pierce.

**Mrs Carroll**—No—the delegates from Australia.

**Mrs Law**—The only one whose name I know is Prent, because he is the one who is mentioned in the written reports we have.

**Mrs IRWIN**—No, what I am trying to ask is: were they representing the federal government or were these three delegates from various states or territories?

**Mrs Law**—As I understand it, they were representatives from the state adoption departments. Each year there was a meeting of the heads of adoption from each state department, and this was also attended by a very well known antiadoptionist from New Zealand, and they drew up the national principles in adoption, which were mostly self-contradictory but they were used for various official purposes until we complained about them. This man Prent was, I believe, a leading public servant in the adoption field in Victoria. Who chose him, we do not know; we just know that he was the delegate who was mentioned as—

**Mrs Carroll**—There were three delegates.

**Mrs Law**—appearing on behalf of Australia at The Hague.

**Mrs IRWIN**—On behalf of Australia?

**Mrs Law**—Yes—he was Australia’s representative, but whether that was a self-appointed title or not, I do not know.

**Mrs IRWIN**—Tell us about the evidence and what you feel happened over there in September 2004?

**Mrs Law**—A 1994 New Zealand Adoption Council newsletter, which we were getting some years ago, said:

Full adoption, therefore, confers on the child both the child welfare benefits that the child is entitled to and the citizenship, legal and other benefits that any child adopted by citizens of that country are given. Full adoption grants to a child the developmental and legal rights which are in the child’s best interests.

The four years of debate at The Hague were characterised by broad acceptance of this principle. Although at the outset, some delegates from a few countries present—most notably, Australia, Canada and the U.K. ...—were resistant not only to the idea of full adoption with the resulting confidentiality and separation that such adoptions imply, but to the idea of intercountry adoptions.

We contacted Mark Duke, who is a member of the Church of Jesus Christ of the Latter-Day Saints, who was running this pro-adoption movement in New Zealand and asked, ‘Where did you get this from?’ He directed me to a gentleman, who has died recently, named Bill Pierce who was President of the National Council for Adoption in America—also a pro-adoption organisation. I cannot remember whether I rang or wrote to Bill Pierce, but I did contact him and asked where this came from. In May 1997, he wrote quite a lengthy letter to me, quoting minutes and what have you, as to the behaviour of Mr JR Prent, program manager—

**Mrs IRWIN**—Mrs Carroll, was that in 1997?

**Mrs Carroll**—That was in 1997.

**Mrs IRWIN**—Are you prepared to table that?

**Mrs Carroll**—Yes, I have copies.

**CHAIR**—Just to get the chronology right, the conference at which Mr Prent was present—

**Mrs IRWIN**—September 2004—was that what you said? Was he present?

**CHAIR**—No, just a minute. This was written in 1997 about behaviour that presumably occurred before that.

**Mrs Carroll**—In May to June 1994, the four years of debate at The Hague were characterised by a broad acceptance of the principle of full adoption and confidentiality.

**CHAIR**—This was prior to its ratification?

**Mrs Carroll**—This was in 1994, which I think was the year after we signed the Hague convention without ratifying it.

**Mrs Law**—The written information from William Pierce was asked for because AICAN, the Australian Intercountry Adoption Network, asked us for some evidence in writing. So Bill Pierce was approached, and in 1997 he sent that letter.

**CHAIR**—But 10 years have gone by. Where are we now?

**Mrs Carroll**—We are now concerned about who is going to represent Australia at The Hague in 2005—whether this will come from the same antiadoption culture that is there in the Public Service and this will be the face of Australia as it was previously.

**Mrs IRWIN**—What were your concerns then regarding the meeting at The Hague in September 2004?

**CHAIR**—2005.

**Mrs IRWIN**—I thought you mentioned September 2004.

**Mrs Carroll**—No, there is a Hague convention coming up again. There is a special committee. We are concerned at who is going to represent Australia on this and about whether that person or persons will have a pro-adoption attitude or an antiadoption stance.

**CHAIR**—You say that people have an antiadoption stance. Mr Finkel mentioned that some people start to talk about adoption as being the next so-called stolen generation. In all honesty, in some of the submissions we have received, we have received really heart-wrenching stories about young mothers who had their children taken away from them. It was at the exact opposite end of the spectrum, where the children were taken and they were told: 'Just go away and don't think about it. Put it out of your mind. Pretend it never happened.' Of course, you cannot do that. Surely the balance is somewhere in the middle.

**Mrs Carroll**—That is right.

**CHAIR**—In those submissions, women have expressed themselves as being mothers of children who were stolen from them. So presumably the antagonists are people who say, 'If you have intercountry adoption, what you're having is stolen generations from other people's nations.'

**Mrs Carroll**—Yes.

**CHAIR**—Which completely negates the fact that that nation has very strict rules about who may or may not adopt and where they may go. Some countries will only allow their children to go to people of the same ethnic background in another country, and so on. Is that the sort of debate that is going on? Is that the attitude? Or is there something else?

**Mrs Law**—No, I think it is distinct from that. I think that the officers there—and I am talking about in the 1990s, through to the year 2000—believed that the biological link should surmount everything else when it came to decisions on adoption. It came as a big surprise in 1990 to discover that this antagonism was there. It was open hostility from officers in the department to adoptive parents. It came as a very big surprise. And then, when we learnt of the reports on the

behaviour of the Australian delegates to The Hague, that also came as a surprise, because we thought they would be there supporting adoption, and they were not. But in 1994 the public face of this antiadoption movement and the support for it of officers throughout Australia were apparent at the adoption conference held in Sydney in 1994. There, anyone who spoke up in favour of adoption was hissed and booed. Adoptive parents were called criminals and kidnappers. The whole atmosphere—

**Mrs IRWIN**—These were offshore adoptions?

**Mrs Law**—No. This was for adoption in general. It was a disgrace. Anyone who was giving a workshop which was supportive of adoption was harassed throughout that workshop. Some people were reduced to tears. These people were being actively supported by officers of state departments at this conference. This was the first public face of support that was apparent to everybody. It was a very distressing experience for people who valued adoption. This was an Australian conference. There was a strong contingent of New Zealand officers there. They were also all anti adoption. At the end of the conference, the head of the New Zealand adoption community services stood up and asked everybody to join her in apologising for the practices of adoption officers of the past. It was the whole tone of the thing and the support of the state officers for this antiadoption movement in the 1990s.

You will see in state governments that there are no pro-adoption groups receiving funding from state government departments. The people who receive generous funding, and have done so for 15 years, are the antiadoption groups. The Western Australian submission says that it refers prospective adoptive parents to ARMS and Jigsaw for counselling. I have here, and I would like to table, the philosophic statements of those organisations, which are about doing away with adoption completely and abolishing intercountry adoption. They have it in print that that is what their aims are. These are the people who are counselling prospective adoptive parents. They are heavily funded, and have been for 15 years, by state government departments. I would like to table these statements, if I may.

**Mrs IRWIN**—What is the name of the organisation again?

**Mrs Law**—Jigsaw, and the Australian Relinquishing Mothers. They are the two the Western Australia government sends them to, and Origins.

**Mr QUICK**—You mentioned you would like to set up accredited adoptive agencies to take it away from the state governments. How would you see these agencies working in a national perspective?

**Mrs Law**—I think it would open up more countries for people wanting to adopt internationally. South Africa, I understand, has children in need of loving and permanent families.

**Mr QUICK**—What other countries have adoptive agencies that take it away?

**Mrs Law**—America has many adoption agencies. Within the ratification of the Hague convention, the facility is there to establish them. In Western Australia there is an organisation,

**Australian Intercountry Adoption, which has tried desperately to establish an agency, but they have been frustrated at every turn.**

**Mr QUICK**—We have been alerted to the fact that you can get on a web site—I think it is based in America—where you can look at the kids and all that sort of thing. That concerns me. How do you set up an accredited, respected, nationally based agency system?

**Mrs Law**—The Hague convention sets down specific guidelines, I understand.

**CHAIR**—There was one in South Australia, wasn't there, until it was taken away?

**Mrs Law**—It was closed. The report I had had spurious figures. One of the reasons that I believe the Attorneys-General should use their central authority on this is because I have found that, once adoption agencies become funded by state government departments, they lose their independence. They then toe the line with regard to the policies and procedures that are required by the state department.

**CHAIR**—That is not surprising.

**Mrs Law**—No. I have seen it at conferences. When these adoption agencies present papers, it is not what they say in their papers but it is what they say to you personally afterwards about their experiences within the field. That is what I find telling. If you look at the submission from PARC in New South Wales, which has the names of independent adoption agencies, you will find it says nothing. Here are people dealing with adoption all the time, who are conversant with the problems and the inconsistencies that exist, and yet they take this inquiry to task for not giving broader scope to the terms of reference, or papers for them to comment on. These are people who have the knowledge there to support intercountry adoptive parents but there is nothing, they give nothing, in the way of support.

Looking at the Western Australian submission, here are a department who, as you said, try to draw a connection to the stolen children generation. They present a negative image of adoptive parents. They go back 50 years, to the fifties, and say that people were adopting children as money earners. They did not send them to university; they were put into trades. In the fifties, only in cities was the state government education to matriculation standard. You could not matriculate if you lived in a country town or went to a country high school. Those people did not go to matriculation standard. They went into the public service or into banks; they became fitters and turners, nurses, secretaries or whatever. The Western Australian submission says that people were adopting children as money earners fifty years ago. Is that a positive approach to adoptive parents? It is not; it is a vale of negativity. As I say, they refer these prospective adoptive parents to counsellors whose published agenda is anti adoption. I just cannot say that the motivation is there. This is why you need independent agencies and you need them funded independently from state governments.

**Mrs Carroll**—Madam Chair, if I could comment on your comment that it is just not possible to have a baby and go on and forget about it. I could not agree more with that. Nevertheless, women did come to terms with the decision they made at the time. When we first opened our support line, when they opened the record, the greatest number of calls we got was from birth mothers saying: 'I made that decision 20 or 30 years ago. I don't want to relive it.' Ninety-two



per cent of birth mothers, on search figures, have never sought information about the child they surrendered. That is another bit of evidence that they have come to terms with their decision.

The 1988 New South Wales inquiry into past adoption practices—I do not have a copy of that here—acknowledged the grief that was expressed by a small handful of, I think, eight women who had instigated the inquiry. They acknowledged that this is how they felt, but they found that on the whole adoption had been a very satisfactory system for all parties concerned. If you look at the figures—we go on search figures as an indication—most people did come to terms with that. It has been successful for the birth mother, the child and the adoptive parents, on the whole.

**CHAIR**—We cannot revisit it except to see the tales. Perhaps they did; perhaps they did not. We do not really know what personal anguish lies within those people who are dealing with it on a daily basis. We do not know that.

**Mrs Law**—It was a very emotional decision. In relation to the accusations of them being stolen, there has recently been a court case in Queensland brought against the state government on the grounds that they failed in their duty of care because she was under age at the time. In his summing up, the judge said that another picture began to emerge of what actually did happen on those occasions. A lot of time has elapsed since they made those dramatic decisions and I think that, over time, perhaps things have become exacerbated in their minds. In this case, the judge found against her because, as he said, another picture began to emerge of what actually did happen. I think that it is worth noting that.

**Mr QUICK**—On page 2 you mention:

The media is seen to be influenced by adoptive parents who generally are not favourable to RMs.

What are RMs? I might be ignorant.

**Mrs Carroll**—Relinquishing mothers. I feel that it would be a shame if anecdotal evidence of something that happened 20, 30 or 40 years ago were to influence decisions that are being made today to the disadvantage of children who need homes. This is what we feel is happening.

**CHAIR**—I do not disagree with that, but I feel that the question of the attitude of people who are conducting negotiations with regard particularly to overseas adoptions, or intercountry adoptions, is a very important aspect. There are so many complexities in what we are dealing with here.

**Mrs Law**—It is a very complex situation indeed. I notice from some of the submissions that parents who have been through the process for intercountry adoption feel that some of the delays were completely unnecessary. The person assessing them would say that she felt they were not communicating as a married couple and would send them off to a marriage counsellor, but six months later she did not even bother to read the report. These are the sorts of delays which are not in the best interests of the child. Of the reams of research that has been written on adoption two factors are agreed on: the earlier the child is adopted, the better the success of the adoption and anything that interferes with the attachment or bonding threatens the success of the adoption. They are two factors which, if an officer in the department has the motivation to process the adoption, should be the top priority. There should be as little delay as possible. The earlier a

child is adopted, the better it is for the child. Forget about the parents. What is best for the child? That is what their motivation should be, and I do not believe it is.

**Mrs IRWIN**—Do you get any state funding?

**Mrs Law**—Our adoption groups do not get state funding.

**Mrs IRWIN**—Where is your funding coming from?

**Mrs Law**—Membership fees and donations—people generously donate to us.

**Mrs Carroll**—We had a one-off grant.

**Mrs Law**—No, we have never had a grant. I think you will find that none of the intercountry adoption support groups gets any funding either. But the antiadoption groups are generously funded with an annual thing.

**CHAIR**—When you say that there are antiadoption groups, if you are talking about Jigsaw, Jigsaw does some good work too. I have to admit that I was not aware of that philosophical statement, and I find that really quite offensive. But the work that they have done that has allowed people to meet up with their birth parent—meetings between birth mother and child—has been useful work. If they are receiving support to carry out that work, I think that is legitimate.

**Mrs Law**—Yes. They do very little of that now, and in Queensland they no longer have a service where if you ring you get someone to look after you; you are asked to ring back. They do not have a continuous answering service any more. They are not a charitable institution; they charge fees.

**CHAIR**—What do they do?

**Mrs Law**—They go to the register of births, deaths and marriages if people give them the order—which is something the people are quite capable of doing themselves, if they knew it. But membership is mandatory. Jigsaw will not work for you unless you join them and pay a membership fee. You must sign a disclaimer that you will not take any action against them if the reunion goes wrong. At the minute, the service they provide in Queensland is not a satisfactory one at all, but the department does refer people to them, of course.

**CHAIR**—What—to persuade them not to go ahead with being adoptive parents?

**Mrs Law**—I do not think they refer people to Jigsaw for counselling but they refer people who are searching. For people who do not feel they can make that step by themselves, an intermediary is sometimes useful. But, over the years, my experience is that it is handled more sensitively by the person who is going to be at the meeting in the end. They are much more sensitive to the other person's responses.

**CHAIR**—And the other people just cannot do that?

**Mrs Law**—No. You will find that the submissions by the antiadoption groups are always confidential. They are never open to public scrutiny. If you can find me a submission—

**CHAIR**—What I am trying to determine is what an antiadoption organisation is.

**Mrs Law**—An organisation that wants adoption removed from the statute and wants intercountry adoptions eliminated completely. That is what they state.

**CHAIR**—But they do not get funding for doing that; they get funding for doing something else.

**Mrs Law**—But they are funded. They exist because they are funded. They would not exist if they were not funded.

**CHAIR**—But what do they get the funding to do?

**Mrs Carroll**—We do not know.

**Mrs Law**—Let me say that Jigsaw get annual funding of over \$6,000 a year in Queensland. On their accounts, \$4,000 of that is shown as paying rent to the government for their rooms. I do not want to attack one particular organisation. I am just looking at the indications within the department of where their support lies. It does not lie with the adoptive parents; it does not lie with the people who are pro adoption and support intercountry adoption. They look for ways to place restrictions on them, such as we have heard today. Their motivation is not support. That is the point I am trying to make. That is why you need someone independent of those state governments to set up adoption agencies which are not reliant on funding from state governments.

**Mrs Carroll**—That is also why it is very important to know the quality and the attitude or philosophy of the person who represents Australia at the Hague convention.

**Mrs Law**—Come September.

**Mr QUICK**—That is right.

**CHAIR**—First of all, is it the wish of the committee that the documents be accepted as exhibits to the inquiry? There being no objection, it is so ordered.

**Mrs Law**—Can I also say that last year the Commonwealth Department of Family and Community Services asked our organisation for some policy initiatives, and some of those related to the inconsistencies in intercountry adoption. I wonder if I might table those too, please.

**CHAIR**—Yes, indeed. Thank you. Is it the wish of the committee that those documents be accepted as exhibits to the inquiry? There being no objection, it is so ordered. I thank you both very much for coming today and presenting us with a side that we had not really heard before.

**Mrs Law**—We do not want to be controversial, but we believe it is something that needs to be said because it is a perspective that people are often not aware of and a perspective which adoptive parents are reluctant to state publicly.

**Mrs Carroll**—Thank you for inviting us to the inquiry.

**Mrs Law**—We really welcomed the opportunity.

**CHAIR**—Thank you very much.

**Proceedings suspended from 11.23 am to 11.42 am**

**EVANS, Mrs Philippa Jane, Coordinator, Queensland Taiwan Support Group**

*Witness was then sworn or affirmed—*

**CHAIR**—Welcome. We received your submission this morning so perhaps you would like to make an opening statement for us.

**Mrs Evans**—I am going to speak about the Taiwan program and focus in particular on the last four to six weeks of the process as it occurs in Taiwan. I would like to draw your attention to the fact that the Dutch government allows babies to travel home to be with their parents after the family court judge has issued the initial decree. The Australian federal government, on the other hand, will not allow babies to travel home until after the final decree has been issued and the documents have been translated. That results in a four to six weeks age difference in the time that the Dutch babies travel home and the time that the Australian babies travel home.

I do not believe it is necessary for the babies to stay in Taiwan for that period of time, owing to the fact that by the time the initial decree is issued, the adoption is a fait accompli. My premise is that there are so many checks and balances along the way with, firstly, the adopted parents, secondly, the birth families and, thirdly, the case as a whole—namely, the baby with its adopted parents—that by the time we get to the initial decree all people who are not suitable have been weeded out. Anybody who is not interested in international adoption has been weeded out.

I would like to make an analogy. I am sure you have all driven your car into a secure area. You have to drive up to a person in a booth and offer your credentials. They push a little button if they are satisfied with the credentials. The arm goes up, you drive on through, and the arm goes down behind you. That is what each of these checkpoints is like in the adoption plan. On page 12 of my submission is a diagram. Firstly, there are checkpoints for the adoptive parents; secondly, there are checkpoints for the birth family; and, thirdly, there are checkpoints that occur after allocation. I would like you to think of each of these dot points as being like driving to the secure area with all procedures being okayed, the arm going up, the file driving on through and the arm going down after it. There are so many of them.

Let us now talk about attachment. We are, after all, interested in the best interests of these children. As I said before, the difference between Dutch babies and Australian babies is that Dutch babies go home at 4½ months whereas Australian babies do not get to home to be with mum and dad here in Australia until they are six and seven months of age. Psychologists tell us that prior to six months of age a baby needs warmth, human contact, touch, to be spoken to and, obviously, fed and changed. But prior to six months it does not focus on an attachment to any one primary care giver. That happens at around six months of age. That means that Dutch babies are in the nursery at the orphanage being cuddled, talked to and looked after, and they go home to be with mum and dad at 4½ months of age. When it is time for them, developmentally, to form an attachment, they do so to their mum and dad.

Australian babies, however, will begin to form attachments to one of the nurses in the nursery. When mum and dad collect them at the age of 6½ to seven months, they then have to detach

themselves from the primary care giver, which is distressing for an infant, and reattach themselves to their mother and father. I believe all of this has implications for the future of these children with regard to their security, identity and sense of self-worth. That is not to say that the agency in Taiwan does not have care that is second to none—it is a wonderful nursery, spotlessly clean, with trained paediatric nurses looking after the children around the clock—but there is no substitute for a parent's love.

We must be mindful of the fact that these babies are Australians. The minute they set foot in Australia, they are going to be part of our community. They are going to join our playgroups and kindergartens. As they grow they will go to our schools and universities. Once they reach adulthood they will enter the work force. They will be on an electoral roll and they will vote. One day they will become parents and produce a future generation of Australians. I believe that we have a duty of care to look after these young Australians to ensure that we give them the best possible start in life.

That is my opening address. I am perfectly happy to speak at length about the detailed processes of the adoptive parents and how they are screened, the birth families in Taiwan and how they are screened as suitable for an adoption plan, and the court processes in Taiwan.

**CHAIR**—Could I start by asking you what state has responsibility for Taiwan under the MOU arrangement.

**Mrs Evans**—I believe that it is New South Wales.

**CHAIR**—Yes, it is. As a Queenslander, how do you find that that affects the process?

**Mrs Evans**—It does not affect the process at all. In fact, we have more people in Queensland interested in adopting from Taiwan than in any other state in Australia.

**CHAIR**—According to your chart, the birth family checks are conducted by the Taiwanese government.

**Mrs Evans**—By the agency in Taiwan, yes, and the government.

**CHAIR**—But it is the New South Wales delegation that, presumably, goes over there to see that those things are done.

**Mrs Evans**—I do not think they have.

**CHAIR**—They have not travelled there?

**Mrs Evans**—No. Our agency deals with each individual state separately. The agency in Taiwan deals with the Queensland Department of Child Safety and then with the Department of Community Services in New South Wales and the other departments individually.

**CHAIR**—Has a Queensland minister or representative been to Taiwan?

**Mrs Evans**—No. In March 2002 the Queensland Taiwan Support Group sponsored key members of Christian Salvation Service, which is our agency, to visit Queensland and we also sponsored them to visit New South Wales and Victoria, which they did. It was a very successful visit. The relationship between our state government in Queensland and the agency in Taiwan flourished from that time onwards, with a significant increase in interest in the Taiwan program. For instance, in 2002 we had a very small number of children adopted from Taiwan. We now have 25 children.

**CHAIR**—In the year 2003-04, there was one child from Taiwan, two from Queensland and none from anywhere else.

**Mrs Evans**—I am afraid those statistics do not tally up with the information that I have. We had a number of children, about five or six, allocated in 2003. I do not have the statistics in front of me, so I am guessing at the moment.

**CHAIR**—Maybe that was in the year 2002-03 prior to 30 June.

**Mrs Evans**—It could be. I am talking about calendar years.

**CHAIR**—I am dealing with financial years.

**Mrs Evans**—I would have to consult my statistics, but certainly we have had a huge influx of children from Taiwan into Queensland, to the extent where we now have 25 children.

**Mrs IRWIN**—Could you take that on notice and get back to us with those figures?

**Mrs Evans**—I certainly will.

**CHAIR**—When you say you sponsored them, do you mean your organisation?

**Mrs Evans**—Yes; we paid for them to come out here.

**CHAIR**—From the agency to come out here.

**Mrs Evans**—Yes.

**CHAIR**—So you paid for them?

**Mrs Evans**—We did.

**CHAIR**—So that was done by an NGO.

**Mrs Evans**—Yes.

**CHAIR**—And that has sponsored better outcomes.

**Mrs Evans**—Indeed.

**CHAIR**—You have heard other people say that NGOs could be better placed to be doing a lot of this work than a government department which is focusing on the abuse of children.

**Mrs Evans**—Indeed, and we do.

**CHAIR**—You support that point of view?

**Mrs Evans**—Absolutely. Our organisation is involved in helping couples through the process from the minute they decide on Taiwan. It does not stop, because when the children come back they become part of our community.

**CHAIR**—Do you have grown-up adoptees that you still stay in touch with?

**Mrs Evans**—Indeed. In fact, last Saturday night we conducted a session with adult adoptees at my husband's and my place, and we had a packed house with over 35 people who either have or are in the process of adopting children from Taiwan. We had a panel of four adult adoptees speak about all kinds of issues to do with their childhood, their schooling and how they felt about their birth family. It was a very profitable discussion.

**CHAIR**—Have many of them gone back to Taiwan?

**Mrs Evans**—Yes. We heard from one of our adult adoptees who went back to Taiwan and met her birth family, and she is still in contact with them.

**CHAIR**—But she is very much an Australian?

**Mrs Evans**—Very much so.

**Mrs IRWIN**—You have a buddy system. Can you explain that buddy system? Also, are there other support groups that do that, to your knowledge?

**Mrs Evans**—I know there are many support groups that do that. The buddy system means that when people are first interested in overseas adoption they ring us to find out about the program. I have up-to-date information on the Taiwan program because I am in direct contact with the agency. We do not deal with anything confidential. That area is dealt with by the Department of Child Safety. We deal with general information that will help couples work through the whole process.

So, yes, the buddy system is from the time they first decide on Taiwan—even prior to that, really, because they need the information to make their decision about the country—right through to help with preparing their presentation that has to be sent to Taiwan. And, as I say, the community and social aspect of it continues when they arrive back with their children. That will never finish. We hope that our children grow up together.

**Mrs IRWIN**—Also, in your opening statement and in your submission, you go on about the Dutch system—how they seem to be able to get children a lot quicker from Taiwan than can be done in Australia. What do you feel that federal and state governments should be looking at to make that process a little bit quicker?



**Mrs Evans**—That is something that the federal government can change any time it likes, because that is an immigration issue. The reason why the children are not able to come out here is that the federal immigration department will not let them travel or will not let the parents from Australia go and pick up the children until such time as the final decree has been issued and the documents have been translated.

**CHAIR**—In many of the adoptions from overseas, the final adoption decree is not done until the child is in country, in Australia. But are you saying that in Taiwan the actual adoption takes place in Taiwan?

**Mrs Evans**—It does indeed. Yes, there is a court process.

**Mrs IRWIN**—That is a change that you would like to see made?

**Mrs Evans**—Absolutely. Perhaps I could just pause for a moment to read a letter, to give this a human face. These are two little girls, twin girls, who have been adopted from Taiwan. If they had been adopted by Dutch families, they would be going home to their mum and dad in a few weeks. Because they are Australians, it may be a couple of months before they can come out to Queensland to be with their mum and dad. Would it be okay if I read a letter from the twins' mother? It states:

To the Honourable Bronwyn Bishop and members of the Standing Committee,

My husband and I are the proud adoptive parents of twin daughters born in Taiwan. It has been 4 months since we received the news of their allocation, and yet we are still waiting anxiously. We anticipate that it could possibly be another 2 months before we may be able to bring them home, under the current process. By this time our daughters will be 9 months old.

I have to pause here to just explain that these girls are somewhat older than most babies adopted from Taiwan, for reasons I obviously cannot discuss at the moment because they are private. Normally, babies at this stage of the process are about four months old. The letter goes on:

We acknowledge that their orphanage, Christian Salvation Service is providing excellent care for our girls. However, no institution can offer the type of love and care provided by a mummy and daddy, and extended family.

Our girls have all their basic needs being met, yet they being denied their most fundamental needs, their need for cuddles and kisses and to wake every morning to see the same face!

Our paediatrician is concerned that by denying them the opportunity to form solid attachments and bonds, they could potentially suffer developmental delays and undesirable behavioural traits.

We understand that there are legislative and legal processes that need to be completed before we can collect our daughters. However, the wait after the Initial Court Decree, is totally unnecessary, to the detriment of our children.

Other countries that adopt children from Taiwan, enable the children to travel home after the Initial Court Decree. In over 22 years there has never been an adoption that has fallen over at this late stage, so from a 'best practice' perspective this is a perfectly reasonable practice.

It would take very little effort and time to change this current practice, all that is required is the will and commitment from people such as your selves. I reiterate that there is no legitimate reason that our children should have to remain in the orphanage for an extra 6-8 weeks after the Initial Court Decree.

If government is genuinely committed to acting in 'the best interests of the child' there should be no hesitation in introducing this change in practice immediately, as it is in their best interests that they be allowed to come home to their forever family who loves them.

**Mrs IRWIN**—You were saying that the Dutch can take their children home when that initial court decree has been issued but that with Australia it is the final decree. Is there a chance with that initial one that there could be an overruling by the courts to say, 'Hey, the birth mother or the father of the child has now come forward and said no; they have changed their mind'?

**Mrs Evans**—Would you mind if I ran through the process to show you?

**Mrs IRWIN**—Yes, if you could. I also want to talk about visas being issued, but can you run through that first.

**Mrs Evans**—In the diagram that I have drawn on page 12, there are a number of checkpoints for adoptive families. I do not know if you want me to run through these, but I can if you like. The basic point of all of this, if you do not have time for me to run through these, is to get to the point where your file goes overseas. You have to be absolutely the best and most suitable parent in order to be the parent of an adopted child. There are so many weeding-out processes. That is why I was using the analogy of the gate going up. You have to satisfy each of these checkpoints before you can move on to the next checkpoint. The only people who get their files overseas are people who are desperate to parent an overseas child. I am quite happy to work through these if you would like me to.

**Mrs IRWIN**—Given the time we have, I just want to—

**Mr QUICK**—I will raise some questions about that.

**Mrs IRWIN**—I just want to know if there is a chance that, with the initial court decree—

**Mrs Evans**—To answer that question I will have to go over to the birth—

**Mrs IRWIN**—I meant the final one, sorry.

**Mrs Evans**—Okay. I would like to address the counselling that is done for the birth family, perhaps, after I have answered your question. The whole process is a bit like a wave. You cannot talk about where it reaches the shore until you talk about what happens further back. I would like to talk about the counselling that occurs with the birth families in the very initial stages in a minute if I am able to do that. But, in answer to your question, I think there would be such a small chance that something would go wrong after the initial decree. The birth mother has had counselling and the adoptive parents have been very carefully screened.

When the file goes to Taiwan it goes to the supreme court first, then it goes to the family court. I am answering your question in going through this. When it goes to the family court it also goes

to the Child Welfare Foundation, which is a non-government organisation. Obviously, as the name suggests, it is based on looking after the welfare of children. It is regulated by the government. When the file goes to the family court, a family court clerk sends the case off to the Child Welfare Foundation. They then interview the relinquishing birth mother, who has already had hours and hours of counselling from Christian Salvation Service social workers. All of the other options have been presented to her. It is not just a matter of her going there and them saying, 'You have to make an adoption plan for this child.' I will come back to that later.

When it goes to the CWF, she needs to be interviewed. They say: 'Have you been under any duress to make an adoption plan for your child? Are you sure this is what you want? Have you explored the other options such as local adoption, marriage with the birth father or single parenthood?' She has to convince them that she has explored all of these other options and it is her desire to make an adoption plan. After she has been interviewed by them, the social worker at the CWF writes a report on the case and sends it to the family court. The family court judge then sets a court hearing date.

By law in Taiwan it is mandatory for the relinquishing birth mother to appear in court. That gets rid of fraud and literacy problems. She has to appear in the court room. If she is under 20 in Taiwan she is considered a minor. She has to have her legal guardian there to answer the questions for her. The legal guardian has to be in agreement with the decision that has been made to make an adoption. I can tell you that the family court judges in Taiwan are not casual about the way they ask these questions. She has to satisfy them that she has looked at all of the options and there is no way she can bring this child up. She has to say: 'I do not wish to bring this child up. I want to make an adoption plan.'

If the judge is satisfied that this is in fact the case and they are convinced, they go away after the court hearing and look at the report written by the CWF. They look at whether the report written by the CWF says the same thing and whether they are happy about it. They can look into whatever they want. They can contact Christian Salvation Service and talk to the social workers who have been working with the birth mother from the time she first went to the agency, which is often fairly early in the pregnancy. They can take as long as they want to issue the initial decree. Usually they take about four to six weeks to issue the initial decree. So that is how the initial decree is issued. From the time the contract is signed right through until the baby has gone, in the 1,040 cases Christian Salvation Service have dealt with in 22 years, there has never been a case where a birth mother has gone back on her decision.

**Mrs IRWIN**—So it is four to six weeks between the initial court decree and the final one?

**Mrs Evans**—It is.

**Mrs IRWIN**—So you are saying that you would like us to have a look at recommending to the government that they allow said child to come to Australia with the initial court decree?

**Mrs Evans**—Yes.

**Mrs IRWIN**—That is what I was concerned about: if said child came to Australia under the first court order and the mother changed her mind, how would that affect the adoptive parents in Australia and how would it affect the child? But you said that in 1,040 cases that has never

happened. So, after the final decree is granted, is that when the family will apply for a visa for the child to travel to Australia?

**Mrs Evans**—Yes. If you turn to page 9 of our submission, under ‘Post allocation case checkpoints’, it sets out what happens from the point of allocation onwards. There is one thing I have omitted here, if you would just take note, after point 3, by the way. The relinquishing birth mother chooses the parents of her baby; she chooses where the baby goes.

**Mrs IRWIN**—Can you explain that? Does she have photos of the Australian parents and photos of the home? Does she know whether it is in a city or country town?

**Mrs Evans**—Absolutely. She gets three files to look at. In each file she gets a photo presentation which is very detailed, including photos of the inside of the couple’s house and lots of photos of the couple. There are up to 15 or 20 photos sent, very professionally done—as you can imagine, parents want to make a good impression, so they do hire professional photographers to do this. So the mother gets to look at three different files.

**Mrs IRWIN**—I find that very hard to believe. I know that we are concerned about a web site which I think is coming out of America which has photos of the children for adoption. It would be like saying, ‘I’ll take that one because hasn’t that little boy got beautiful blue eyes,’ or, ‘I love that little girl.’ But this is the parents—

**Mrs Evans**—This is the parents presenting themselves to the birth mother.

**Mrs IRWIN**—I know they have to present themselves.

**Mrs Evans**—I think that this gives the birth mother control over a situation which has probably been quite traumatic for her. Getting pregnant out of wedlock still has quite a significant social stigma in Taiwan, as it is in many Asian countries. She would feel that she had some control over what has happened and what is going to happen to this child she has given birth to.

**Mrs IRWIN**—She has some peace of mind: ‘At least I have seen a photo of the family that my child or children are going to.’

**Mrs Evans**—Absolutely, yes. And she gets information about what people do for a living, their lifestyle and that sort of thing.

**Mrs IRWIN**—Sorry about that; I should not have interrupted.

**Mrs Evans**—That is fine; please do. So the birth mother chooses where the child goes. The child is allocated. The adoptive parents sign a contract and power of attorney forms. The birth mother signs the same contract—before it gets sent out, actually. She signs an application to the court to approve the case and a waiver of her right to appeal the decision. She can go back on that at any time, but it is another checkpoint: it is indicative of whether she is suitable psychologically to make an adoption plan. If she is not prepared to sign it—not that that has ever happened; CSS have assured me that no woman ever has. At this stage they have had hours and hours of counselling. When the birth mother first makes contact with CSS she has counselling

over the phone and this goes on for some time. They look at all the options: 'Have you thought about marriage to the birth father? Have you looked at single parenting? What about local adoption?' It is only if she chooses international adoption that they proceed with this. CSS are not an adoption agency; they are a welfare organisation in Taiwan for women and children in genuine need. The mother is the one who does the calling. Nobody else tells her what she has to do.

Once she has signed the contract and the adoptive parents have signed it, the adoptive parents then have to pay a fee, which I think shows their genuineness in wanting to be parents as well. I would see that as another checkpoint. Only the really genuine will get past that one, because it is \$US10,000. It is a donation to the agency to help them in the wonderful work they do. They take women in and look after them. Women can stay there after they give birth. They are not told to leave after they give birth. The primary reason for CSS's existence is to help these women. They are a social welfare organisation. Have I answered that question satisfactorily, Mrs Irwin?

**Mrs IRWIN**—Really, what I need from you is something on the public record that the Queensland Taiwan Support Group would like to see our committee recommend to government to allow those children from Taiwan to come to Australia when the initial court decree has been issued instead of the final decree. Also, their visa should be in place for when that happens. You are saying it would reduce it by four to six weeks.

**Mrs Evans**—I am happy to do that. If you look at page 9, I have the whole sequence of events after allocation. When you get to point 9, that is when the Dutch children go home—when the judge issues the initial court decree. The extra bit at the bottom is for Australian adoptions and takes an extra four to six weeks. The final adoption decree is issued. As I say, the courts are busy in Taiwan, as they are in any modern industrialised nation, and it can take five weeks for the final decree to be issued. My point is that the initial decree has already been issued. The judge has looked at the adoptive parents. By the way, I should have mentioned that the CWF reviews the assessment report written by the Department of Child Safety here. So they not only look at the birth family situation; they look at the adoptive parents and assess them as well. So does the judge. The judge gets a copy of the report that has been done on us.

So both situations are being reviewed. The judge has already made the decision. The birth mother has been interviewed both by the CWF and in court and the initial decree has been issued. The birth mother wants the baby to go home because she wants the best. She has chosen these people as the baby's parents. She wants the baby to go home to mum and dad. Nobody would want a baby to be in a nursery with 25 or 30 other babies. They have lovely nurses looking after them, and that is wonderful, but as I say there is no substitute for being in their own family with their own parents. It is such a crucial time, as I explained before, with attachment issues between 4½ months and six months. That is a crucial time in a baby's life. If a child were three years old, it would not make as much difference. But it makes a huge difference between 4½ months and six months or seven months.

**Mrs IRWIN**—So they have had health checks as well.

**Mrs Evans**—Absolutely.

**Mrs IRWIN**—Seeing that we are talking about coming to Australia, they would have to have the health checks.

**Mr QUICK**—Can I go back to the start and all the hurdles. People have said to us that we need to streamline it. You have a 17-page expression of interest form to fill out, which asks you a range of things—and it amazes me that religious affiliation is there. There is a physical. We understand that in some states there is a weight limit.

**Mrs Evans**—Yes.

**Mr QUICK**—It depends which state you are in. Once you have passed that, you then have a criminal history check and the department forwards the referees a list of questions about you. How many questions are there?

**Mrs Evans**—I am not sure, because it was seven years ago that I adopted. That would have to be something that I could check up with people who are going through the process at the moment. I believe they are quite intrusive questions. For instance, the department asks the friends if the people can envisage the couple becoming parents. They have to talk about their marriage, their house and their stability—there are all those kinds of questions.

**Mr QUICK**—Then you go and do a two-day education seminar. How relevant is that?

**Mrs Evans**—I think it is relevant in the sense that the department present a worst-case scenario all the time. They present a worst-case scenario on overseas adoption. My point here today is to say that people who are not suited to be adoptive parents are weeded out. Birth mothers who really should be making some other kind of plan are weeded out through counselling and are encouraged to go in another direction. So, by the time it has gone right through the court processes and you end up at the initial decree, people who should not be adopting or who should not be making birth plans for their baby have already been weeded out and it is a fait accompli when you get to the initial decree.

**Mr QUICK**—Then you do a 260-page workbook covering areas such as parenting, attachment, development, grief and loss, identity and cultural information, child behaviour, neglect and abuse and many other issues. It would be interesting if some of our parents had to do a 260-page workbook before they became parents. Then you have to pay a fee.

**Mrs Evans**—And there is a 300-page booklet that you have to read with that 260-page booklet. You have to read the 300-page booklet to fill out the 260-page booklet.

**Mr QUICK**—Then you are assigned an adoption contract worker who has four or five three-hour meetings with you.

**Mrs Evans**—That is right—about 15 hours.

**Mr QUICK**—They talk about your attitudes to adoption and religion. Why they want to talk about religion, I would not know—unless only religious people are allowed to adopt children.

**CHAIR**—It is to match the religious affiliation, and that might be a requirement of the birth mother.

**Mrs Evans**—Our agency in Taiwan—and this is not the case with every agency—are a Christian organisation and they require that people have a Christian affiliation.

**Mr QUICK**—On page 9 you have all these checkpoints. Why are we putting such enormous pressure on adoptive parents when even to get on the list they sometimes have to wait three or four years? If departments were 1/1000th as concerned about some of the social dilemmas in society they could focus on fixing up some of those things. DOCS have a terrible reputation in probably every state in Australia because of the relationship between legislation, its implementation and their dealings with families, yet overseas adoptive parents have to put all their facts and figures out. DOCs pry into people's lives like you would not believe. I cannot understand it. Are they saying, 'Here's our way of punishing potential overseas adoptive parents; we'll let the rest of society go and stuff their lives up and we will pick up the pieces later'?

**Mrs Evans**—That is a very interesting point which I am sure many people will be interested in addressing today. What you are saying underlines that point that, by the time a file gets to Taiwan, only the best are chosen. There is very little chance that an adoption will fall through, because the best people are chosen. That is what I am here to talk about today.

**Mr QUICK**—The state minister, who, in his wisdom, will not send anyone along, has this lovely 62-page document. A small group of people—fewer than 100 adoptive parents in Queensland—are being put through the ringer. If the state minister were as concerned about the rest of society it would be wonderful. To my mind, he is saying: 'Here's an easy target. We can take them to the cleaners, financially and emotionally, just because they want to do the right thing.' I think you ought to be congratulated on having the endurance and willpower to do it despite the state governments. I admire you for what you do.

**Mrs Evans**—Thank you. We have such a burning desire to be parents. Everyone in this room will agree with me that when our file gets over there we feel just incredible that we have overcome all these obstacles. We have to have an absolute burning desire to parent a child from overseas to even get our file over there. When we get our baby, it is just heaven. So there is a very little chance that an adoption will fall through after the initial decree has been issued by the judge.

**CHAIR**—When people join the adoption program do they indicate where they would like the child to come from? Do they choose a country of origin?

**Mrs Evans**—Yes, they do. After education, they are given two weeks to choose. They then ring the support groups and talk to us about the information, because we—the people sitting behind me—have the accurate information about the programs. We are the ones who have information about the countries, the programs and the processes—what you have to do and what you have to prepare. We spend our time voluntarily—we do not get paid for it—helping other couples to achieve what we have now. Most of us are parents. We have that desire to help other people because we know what it is like to go through that.

**Mr QUICK**—There is a restriction by the state government on your disseminating information through newsletters and the like. I do not know whether you were here this morning, but one of the other organisations said that, under some obscure statue in Queensland, you break the law if you promote and highlight the wonderful work that you are doing. To me, that seems absolutely absurd.

**Mrs Evans**—Yes. Apparently we cannot publish photos of the children while they are under an interim adoption order, nor can we publish photos of people who are presently undergoing the process.

**Mr QUICK**—So you would recommend that we have some national approach to that?

**Mrs Evans**—I think everybody would be in agreement with that, yes. Could I bring your attention to the fact that—

**CHAIR**—Could I just clarify something. Are you aware if it is okay to publish photographs of children once they have been adopted—once it is complete?

**Mrs Evans**—Once the interim adoption order has been completed, yes. That is 12 months after they arrive back in the country. They are no longer a ward of the state then. They are a ward of the state for the first 12 months.

**CHAIR**—So the adoption process is completed in Australia.

**Mrs Evans**—It is. Taiwan is an interesting question, because as far as the Taiwanese government is concerned the process is completed in Taiwan. But it is more of an informal agreement between the agency, Christian Salvation Service, and our state department here, that they acknowledge that our department has that 12 months interim adoption order. They think it is a good thing, so they are happy to accept the reports that are written. But as far as the government in Taiwan is concerned, the adoption is completed when the final adoption decree has been issued. So there is not the issue, as far as the Taiwanese government is concerned, of that 12 months interim adoption order. On the subject of the 12 months interim adoption order, because there is such close contact—

**CHAIR**—Is that peculiar to Queensland?

**Mrs Evans**—No. As far as I am aware, it is not. I think it is something that happens in other states too. There is incredible contact between the parties involved. When we get back, there is a quarterly report written on the children, on the family and on whether the adoption has been successful. There is a lot of contact between our social worker and us and the department and us. It would be very easy, therefore, for the Taiwanese agency to supply the finalised paperwork to the department here and for the department to then pass it on to the couple. It is not as if we move away from the department, have no more to do with them and they cannot find us to give us the paperwork. So I have a proposal here: if I could bring your attention to my—

**Mrs IRWIN**—Just before you go on about that proposal, I gather you have been to Taiwan on a number of occasions. Have you received any feedback from, say, the Taiwanese authorities on how Australia's processes and attitudes compare with those in other countries? Do they think



that we are better than some countries? We had some people in this morning who virtually stated that some countries from which we are adopting children—because of the fee structure and because each state and territory is a little bit different—feel that they are dealing with individual countries within Australia, not with Australia as a whole.

**Mrs Evans**—Absolutely.

**Mrs IRWIN**—So I just wanted to know if you have had any feedback about what they are saying about our system in Australia compared to others.

**Mrs Evans**—Our agency understand that they are dealing with eight different ‘countries’. They deal with Queensland as an entity, New South Wales as an entity and South Australia as an entity, and they understand that. There are different support group coordinators in each state. There are different adoption branches in each state. They just deal with them as if they were individual countries.

**Mrs IRWIN**—What are your feelings then on having one fee for the whole of Australia and one process that you have to follow for each state and territory?

**Mrs Evans**—I think there would be advantages in that. But I think we need to have that localised, regionalised, personal contact. I think it would be a shame to lose that.

**Mr QUICK**—But you could still have a national approach. For instance, you have Centrelink offices around the country and each has specific areas of concern—say, within regional Australia as compared with the CBD.

**Mrs Evans**—I have a proposed procedure for allowing the children to travel after the initial decree. It is on page 10. Can I draw your attention to that? Of course, we cannot just say, ‘The children can come home before the process is finished.’ Things should be done properly and legally. I have a proposed procedure here that I believe would be perfectly acceptable to the department of immigration if you were to recommend it to them.

What could happen is that the children could come home after the initial decree, as they do in other countries. The agency could provide the Australian Commerce and Industry Office, which is our representative in Taiwan, with a copy of the initial decree, the child’s name, the child’s date of birth and the child’s household registry, which is the most common form of ID in Taiwan. It is a registry of the houses and who is basically living in them at the time—it is like a census. The agency could also provide the adoptive parent’s letter of approval from the state government—and we all get letters of approval saying, ‘Yes, you’re okay; this allocation is fine by us,’ but in more formal words than that—and the adoptive parents’ passports.

Christian Salvation Service could then notify the birth family of the child’s planned travel and the birth parent could sign an affidavit of release for travel. All the adoption documents and translations could be sent to the state government once the child is out here—and, as I said, there is a lot of contact with the state government for 12 months after, with the social worker visiting our houses and ringing us up a lot, so it is not as if we have escaped the country or something—and the state government could take copies of these documents and forward them on to us. The child would be with its parents. The child would be home with its parents at 4½ months.

I have been through this. I went through this for 10 years while waiting for my baby. You can imagine having a succession of failed IVF attempts. First of all, you get married, you wait until you think you can afford children, you wait until you have started paying your house off and then you start trying to have a family. By this time you are probably in your early thirties, but you find that after a couple of years something is wrong and you cannot have a family so you go through a series of IVF attempts, which in most adoptive parents' cases are failed attempts.

You then put your name down for adoption and there can be years of dealing through the state governments before you are even invited to show up for anything. You then go along and do all the stuff. You have to go through the things that Mr Quick was talking about with me just then. You go through the hurdles until you jump over the last one and your file gets there. You wait 18 months for a baby and then you have to wait another six months to get your baby. CSS send photos every month and they say, 'She smiled today; she rolled over; she got her first tooth,' but you are here and the baby is there, and you then have to wait for another six months until you can go and get your baby. Because I am a support group coordinator, I get phone calls all the time from people who are crying. I read the letter from these babies' mum. They want their children, and the children should be here with their mums and dads in their little cots in their rooms.

**Mrs IRWIN**—So you are saying that a few changes could hurry the process up by four to six weeks.

**Mrs Evans**—You could cut it by four to six weeks. All you have to do is contact Immigration and say, 'We recommend that the Australian Commerce and Industry Office, the ACIO, in Taiwan allow the children to travel,' and issue visas after the initial decree has been issued, just as the Dutch trade office does.

**CHAIR**—You have mentioned Holland a lot. Is the situation different with other countries or does Taiwan deal only with Australia and Holland?

**Mrs Evans**—The agency in Taiwan that we are talking about—Christian Salvation Service, who are one of the main and most well known agencies in Taiwan—mainly deal with Australia and Holland. They are the two biggest countries that they deal with. Mrs Irwin said that she would like me to state what I want. Have I made that clear?

**CHAIR**—Yes, very clear. Thank you very much for your detailed submission. I ask someone to move that the submission be accepted as evidence and authorised for publication.

**Mr QUICK**—I so move.

[12.29 pm]

**HARDING, Mrs Leith Forbes, Private capacity**

*Witness was then sworn or affirmed—*

**CHAIR**—Welcome. I invite you to make an opening statement.

**Mrs Harding**—I come to this table as a mother of both biological and adopted children. My family has been directly involved in intercountry adoption for approximately 25 years. We have experienced the adoption process in both South Australia and Queensland and, as such, we have experienced the inconsistencies and discrepancies first-hand. I have also been involved in an education capacity through the adoption support networks and have been involved in a large number of intercountry adoptive families, specifically intercountry adoptive families of Queensland, the Australian African Children's Aid Support Association and the Korean Friendship Group (Queensland).

In terms of understanding some of the discrepancies, I would like to bring to your attention the fact that we have four adopted children. We have a son who was adopted from Sri Lanka at the age of three. He is now 23 years old. At the time of his adoption, he was placed into our family aged 10 weeks younger than our youngest child. The reason that he was placed so close in age was actually because of his specific needs. We had already been examined as a family to be appropriate as an adoptive family. Our placement of our children in our family had obviously been as a result of biology, so the youngest child was the youngest child and the last child into our family. The requirement in South Australia was that he be the youngest child in our family. Ten weeks younger was sufficient because of his specific needs, so his interests were put before the interests of law—that is, that there be a reasonable and natural gap. That has not hindered his settlement into our family or his growing up as an adopted child in a family that was both adopted and biological. It also did not have a negative impact on our biological child who was close to him in age. In fact, they have grown up as what you might call Clayton's twins. They were often asked whether they were twins. You know how dark a Sri Lankan child is, and you can see me—how blond my biological child was. We obviously found it very interesting, and they found it very bonding between them.

Less than 18 months after he was placed in our family, our daughter was placed in our family. So he had not been in our family for 17 months, I think it was, before she was placed. Again, it was a case of the best interests of that child. Her adoption had been disrupted in South Australia. She had been adopted from South Korea into a family who were unable to parent her, so she was an adoption disrupted child, and we were asked whether we would consider taking her into our family. Again, she came into our family as the youngest child in the family. They saw us as the best family for her—her interests were paramount again. She came to our family at the age of 18 months. At this time, the boys were four years old. That could not possibly have happened in Queensland. Both those adoptions happened in South Australia.

We then moved to Queensland. We adopted two children from Ethiopia in Queensland. We struggled even to be able to place an application to adopt in Queensland, because we already had

more than four children in our care, which was a difference between South Australia and here. South Australia looked at our adoption application on a case-by-case basis. In Queensland, we had to do battle to be allowed to apply to adopt a child. Our son was the first official Australian adoption from Ethiopia. So some of their rationale that we would be taking a child that could be placed into another family and therefore stopping a childless family from having a child was not the case. We actually went into battle with the Australian government and the Queensland government—not the Ethiopian government; they were very keen to place children in Australia. He was actually the first official child from Ethiopia into Australia. He was 21 months of age and he is now 17. Our daughter who was born in South Korea is now 20.

Our youngest child joined our family at the age of six years, which was 10 years after the adoption of her brother from Ethiopia. The reason there was a big, 10-year gap between their adoptions was that we actually had to wait for some of our children to turn 18 before we could adopt her, because Queensland law stated that you could not have more than a certain number of children in your care at the time of adoption.

**Mrs IRWIN**—Were they a brother and sister from Ethiopia?

**Mrs Harding**—No, they are brother and sister now. They are brother and sister by law. They are not biologically related. But she had to wait till she was six years old to be adopted, as our family was obviously the right family for her to be adopted into. Therefore, the longer wait was dictated by the Queensland government's restriction—which makes it sound really quite ridiculous.

In the middle of all of that the Queensland government was very happy to place foster children into our family even though we had more than five children in our care at the time. And this is the case across a lot of families—they are not allowed to apply to adopt in Queensland, because of the number of children in families restriction, but they are allowed to foster children. They are allowed to foster any number of children in Queensland without there being age gap differences or time differences between placements. Even their age is not taken into consideration. So that is a picture of where I am coming from in my submission.

**Mrs IRWIN**—On the first page of your submission you state:

... Queensland does not allow singles or defection couples to apply.

Do you support singles applying?

**Mrs Harding**—Different people make good parents and I think it is discriminatory to not allow them to apply. It is not up to me to decide whether or not they are going to be a good parent. It is not 'defection couples'—it was supposed to be 'de facto couples'. That is a typo.

**Mrs IRWIN**—I was going to ask you what you meant by that. But some singles can make very good parents.

**Mrs Harding**—And an awful lot of parents in Australia become single after they become parents.

**Mrs IRWIN**—Correct. You also stated:

Applicants health is often assessed very subjectively with weight issues often excluding otherwise healthy, fit applicants ...

That means that sometimes if they do not pass the health requirement they cannot adopt from overseas. You gave an example of a 'state level football player rejected on health grounds because his BMI was too high'.

**Mrs Harding**—Yes. He went to another state and was able to adopt.

**Mrs IRWIN**—Can you explain the health checks to us—what you had to go through. Are you still going through it? Is it the same procedure for other couples that are applying now?

**Mrs Harding**—I think the procedure is very similar—that is, doctors are required to fill out particular paperwork and in that state things that may or may not be relevant. We are not asked to determine whether or not we are of small, medium or large build, in terms of our bone structure. It is simply a body mass index: height by weight. Our Sri Lankan born son would not be able to adopt in Queensland and yet he is healthy. He has been an Australian-level swimmer at different times in his life. He plays rugby. He plays basketball. But his BMI would be too high because he did not grow very tall. The reason he did not grow very tall was because of high malnutrition in his legs and his body mass index is too high. Insurance companies will insure him because they can look at his whole body structure, but intercountry adoption would not consider him.

**Mrs IRWIN**—You also state that there is no financial assistance available to Australian families and you give the examples that in the US families receive a tax credit of \$10,000, in Quebec \$7,500, and you go on. The Queensland minister has put in a submission and has asked us to look at and consider recommending bringing in tax credits. Having stated some of the amounts for various other countries, what amount would you like to see as a tax credit?

**Mrs Harding**—When we did our first intercountry adoption we were able to claim our adoption expenses—not our travel—on tax. It is just over 20 years ago that we were able to do that. I think that is very valid, because each country has different requirements. Some countries ask for a donation while others have set fees. For example, Ethiopia has set legal fees that need to be paid. The Ethiopian government cannot afford to pay for the legal fees of every adoption and in fact probably not of any adoptions. They have greater needs. So that country does not ask for donations; it charges you a fee for the legal processes that have to be undertaken.

It was the same when we adopted from Sri Lanka. That was our first adoption. The Sri Lankan government had set fees we had to pay. They were claimable, including the fees we had to pay within our state, which at the time was South Australia. We saw that as a very valid reason. Your travel fees are up to you: how long you want to stay, whether you stay in the Hilton or the local motel down the road, how long you stay in country and how you manage to spend your money in country. If I had to make a recommendation, I would suggest that the legal and actual costs of the adoption are what need to be covered.

**Ms KATE ELLIS**—Do you know when that was changed?

**Mrs Harding**—That year.

**Mr QUICK**—We are not talking about a lot of people, are we?

**Mrs Harding**—No, we are not talking about a lot of people and we are not talking about a lot of money. I guess it is the same as the maternity benefit. A child is a child no matter how it comes to your family.

**Mrs IRWIN**—I found it very interesting also with the statistics that you gave us for 2003-04 regarding the number of adoptions, the costs of ICA and adoption staff. I am now just comparing Queensland and New South Wales. New South Wales have a population of 6.7 million; Queensland, a population of 3.8 million. The number of adoptions in New South Wales was 66; in Queensland, 49. Let us go to the fees. It was \$9,700 for New South Wales and \$2,053 for Queensland. Let us go to adoption staff. New South Wales has seven adoption staff; Queensland, 12. There were 127 files prepared in New South Wales; there were 80 in Queensland. Let us go to the processing time. It is one year for New South Wales and two to five years for Queensland. We have more staff and a smaller fee in Queensland than we have in New South Wales, and you have that processing time.

**Mrs Harding**—That must be how they spend their money.

**Mrs IRWIN**—Why is it?

**Mrs Harding**—I do not think I could answer that under oath, because I probably do not know the exact reason, but I do think that a lot of it comes down to attitude. As I wrote in my submission, attitude to adoption in Australia is actually quite poor. I think that carries over in all levels—in our government, in our homes, in our schools and in our families. For example, yesterday I went to renew my passport and I noticed on the form that my daughter, who was standing there with me, could not sign because she is my biological child and it says, ‘Not your biological child,’ and my son-in-law, who has only been in our family for two years, could not sign because he had joined our family by marriage. But when I challenged the person in front of me and said, ‘Can my Sri Lankan born son, who we adopted 20 years ago, sign this?’ he said, ‘He’s not related by marriage or by biology, is he?’

**Mrs IRWIN**—Oh dear me!

**Mrs Harding**—So that is not accepting my son who had been in our family for 20 years as a member of our family under federal law. He went away and found out that he could not sign, but it is not written on the document. That was Australian passports as of yesterday.

**Mr QUICK**—That is disgraceful.

**Mrs Harding**—That is just part of the attitude towards adoption that pervades all of our society. When I fill out paperwork for my daughter in relation to going to school, I actually have to state that she is adopted. She had been my daughter for five years. I do not have to state that my son was born to me five years ago or 25 years ago, but I do have to state that my daughter was adopted five years ago.

**Mrs IRWIN**—From overseas.

**Mrs Harding**—Yes.

**Mrs IRWIN**—If that adoption was taken on shore here in Australia, on those forms that you would have to send to the school—

**Mrs Harding**—I do not have to write it.

**Mrs IRWIN**—So there is virtually discrimination, you are saying, between an onshore adoption and an offshore adoption?

**Mrs Harding**—Yes. In fact, we actually had to put the country in which the child is adopted. With our daughter, who was formally adopted within Australia, because her adoption was disrupted, in South Australia we did not have to do any of that stuff for her. She was regarded as an Australian adoption and therefore it was confidential. Yet we had to keep declaring her brother, who had been adopted nearly two years earlier, as a non-Australian.

**CHAIR**—Declaring as a non-Australian?

**Mrs Harding**—He actually became an Australian by naturalisation on the bicentenary, which was also his fifth birthday. He opened the proceedings by throwing a boomerang, dressed as an Aboriginal. He was asked where he came from, and he said, 'Rainworth,' which is in Brisbane.

**Mrs IRWIN**—It might not have been where his roots started but that is where he comes from.

**Mrs Harding**—The words of a five-year-old.

**CHAIR**—You are saying that he was not made an Australian citizen at the time you adopted him.

**Mrs Harding**—At the time of the adoption, no. He had to apply for Australian citizenship.

**CHAIR**—But that is not the case now?

**Mrs Harding**—No, that is not the case now—not in Queensland. I am not too sure about other states.

**CHAIR**—Queensland does not give out citizenship; the Commonwealth does. You are an Australian, not a Queenslander.

**Mrs Harding**—His adoption occurred in Australia. We had to apply for his citizenship separately from his adoption order. In Queensland, I understand that the department of families actually applies for their citizenship as part of their final adoption order.

**CHAIR**—I think it is a federal function. We will check out precisely how it occurs.

**Mrs Harding**—We applied for his Australian citizenship more than six months after his adoption had been finalised.

**Mr QUICK**—How do we widen the number of countries that are available to us?

**Mrs Harding**—We become proactive. My biggest recommendation to you is that the federal government be the central authority that, according to the Hague convention, it is—that the federal government be responsible for intercountry adoption, that it set out the legislative requirements and the eligibility Australia wide so that there are not these discrepancies between who can adopt in one state and who can adopt in a different state so that Australians are not discriminated against by the state in which they live.

**Mrs IRWIN**—We have heard stories and read submissions that there are people who are moving from one state to the next.

**Mrs Harding**—Yes. In fact, I was just telling someone—

**Mrs IRWIN**—Despite their family unit being here in Queensland, they move to New South Wales or Victoria.

**Mrs Harding**—I was telling someone here today that we had a family that moved from Queensland to the ACT—firstly because there was no expression of interest open here in Queensland, and secondly because his weight was not going to allow him to adopt through Queensland but it would through the ACT. They did two adoptions and returned to Queensland in the same time that one person here was trying to get one adoption.

**CHAIR**—The ACT seems to be able to get adoptions through a lot quicker than anybody else. Why would that be the case?

**Mrs Harding**—You would have to ask the ACT why they can be more productive than any other state. But this is what my rough statistics are saying.

**CHAIR**—Do you sense that there is a deliberate desire to ration the number of adoptions that take place because they do not really want them to happen?

**Mrs Harding**—Are you asking for my personal opinion on that?

**CHAIR**—Yes.

**Mrs Harding**—Yes. I think that what country you are adopting from also makes a difference. If a country has trade agreements with Australia—and this is absolutely my personal opinion—then it makes a difference. We are able to change federal law so that children can be adopted from China, and yet children are in the same situation in Ethiopia but an Ethiopian final adoption order does not mean that they can come to Australia. Pretty much what Mrs Evans was saying is that children have to sit longer; they have to wait on the Australian government. Ethiopian children require two HIV tests to enter Australia. Our son who was adopted from Ethiopia was the first child ever required to have an HIV test to enter Australia.



**CHAIR**—But we do have quite a number come from Ethiopia.

**Mrs Harding**—Yes, it is the third-largest program because of the number of parents who are keen to adopt from there.

**CHAIR**—It is virtually impossible to adopt from the United States, so the trade theory does not hold up.

**Mrs Harding**—Actually, we can adopt from the United States.

**CHAIR**—It just does not show up at all. People have enormous problems with it.

**Mrs Harding**—It does not show up. I know people who have adopted from the United States. We have a different process with the United States. We do not require certain visas. There are certain differences. There are people who adopt from South America. They come home through the United States. They get the United States passport or visa for their child and keep going. There are a lot of loopholes. The reason that people go through the loopholes is that it is so difficult to go through the process straight. It is a very difficult process to go through at all levels. Mrs Evans has just shown you how many gates you have to walk through.

The time constraint is even greater. When you look at two to five years here in Queensland, that is if you are lucky and you manage to get through it and you are still young enough in the end to be able to send your file to the country you would like to adopt from, because many countries have age restrictions. Ethiopia has a 40-year principle—that is, 40 years between the age of the child and the oldest parent. That is a principle that they run by. It is not their law, but it is a principle they run on because they have young parents in their country. Therefore if a parent is hoping to adopt from Ethiopia, they are living in Queensland and they are over 40, they are no longer able to adopt a baby if it is going to take them two to five years to wait to adopt and to be processed here.

**CHAIR**—You had one child by birth.

**Mrs Harding**—I have three biological children.

**CHAIR**—What was your motivating force to adopt children from different places?

**Mrs Harding**—You have to place that into the Australian cultural context of the early eighties, and that was the pressure for the 2.5 child family. We actually took it one step further and said, ‘We’re going to have the 0.5 for my sister and then we’ll adopt children who are already born.’ We initially attempted to adopt within Australia. We decided that that was a very fraught and a very long process, so we went to the department and asked what our options were.

**CHAIR**—Are you telling me then that you personally could not go on and have a fourth child or that you decided not to and that you wanted to adopt?

**Mrs Harding**—Medically, it was not advisable, so philosophically we took the other approach.

**CHAIR**—Was it because you wanted to have more children—

**Mrs Harding**—Yes.

**CHAIR**—or because you wanted to give those kids a start?

**Mrs Harding**—I think if you do not go into adoption wanting to have children then you are not going into adoption for the right reason. Altruism is not a reason to add a child into your family who will stay there for life.

**Mrs IRWIN**—What is the saying: you do not carry a child within; you carry them from the heart?

**Mrs Harding**—Yes. I often use that with my children: ‘You actually didn’t grow in my body but you grew in my heart.’

**Mrs IRWIN**—You also mentioned in some of your recommendations about establishing an intercountry adoption program with non-Hague countries like Russia?

**Mrs Harding**—As I have stated in my submission, a lot of the countries that have the greatest need for children to be adopted are not able to meet the requirements of The Hague. The country I know the most about is Ethiopia. A parent group here in Australia actually took a submission to Ethiopia several years ago, plus some Hague lawyers who were attending a conference went to Ethiopia to help them look at whether or not they could meet The Hague on all these grounds. They took it law by law, more so than I gather Australia possibly had—I do not know; I was not in the legal process for Australia—but they looked at exactly what they could do. Could they meet The Hague on all these grounds? They said, ‘There is no way we can. We can have a central authority and we can have these rules in place, but we cannot look after our own orphaned children. We have more than five million orphaned children.’

**CHAIR**—In fact, the majority of the children we adopt from overseas do not come from Hague countries.

**Mrs Harding**—No, but the new process will be looking only at Hague countries.

**CHAIR**—I accept that in 1998 we ratified the Hague agreement and in 1999 we signed the bilateral agreement with China. We did that in the face of the statement that we would like to do it.

**Mrs Harding**—The China agreement began years earlier.

**CHAIR**—Yes, but we re-signed a new agreement with them, as I understand it.

**Mrs Harding**—That changed federal laws to allow those children into the country.

**CHAIR**—There is no law that says they can come from only Hague countries.

**Mrs Harding**—It was an immigration process. As I said, children from Ethiopia require two HIV tests to come into Australia. They do not require that from every other country.

**Mr QUICK**—What do you think the reaction from the states would be if we recommended that this be a Commonwealth agency and took it out of their hands?

**Mrs Harding**—I think some areas would actually be very happy. It would take a lot of work off their shoulders in terms of having to change laws. Right now Queensland is undergoing a review of the Adoption Act.

**Mr QUICK**—Forty years later!

**Mrs Harding**—It is taking them years and years to do it. If intercountry adoption was taken out of their hands in terms of legal requirements, eligibility requirements et cetera, it would make a huge difference.

**CHAIR**—There is a basic problem in that the law that causes the relationship to be created between a child and the adopting parent is state law. But there are other things that are involved such as becoming a citizen, which is federal law. So there is a great deal of crossover of interaction. But I certainly think there is an obligation on the Commonwealth to be much more proactive.

**Mrs Harding**—I do, too. I also agree with Mrs Evans that it is important that the states are managing it like Centrelink—as you said, Mr Quick—and are able to manage what is determined by the federal government.

**CHAIR**—The states do not manage Centrelink; the Commonwealth does.

**Mrs Harding**—I was actually suggesting that intercountry adoption be like Centrelink.

**CHAIR**—You cannot do that because Centrelink comes under Commonwealth law.

**Mr QUICK**—I would be interested to read your 1998 thesis, because I think it would be rather enlightening.

**Mrs IRWIN**—Could we have a copy of that?

**Mrs Harding**—I have told David that I would send a brief of it. I have also got a PhD that I can send you a brief of as well.

**Mrs IRWIN**—Could you take that on notice? Can we have a copy? It would be interesting reading.

**Mrs Harding**—There was also a thesis written in Western Australia that I was trying to get hold of that talks about the detriment to adoptive parents and to the adoption relationship of parents who have to wait too long. I think the author was Kristina Gratton. Maybe you already have it. It says it is highly detrimental for the parents to wait so long that they are over it. They

have put so much of their energy and effort into actually being allowed to adopt that they are burnt out and worn out by the time they get to parenting.

**CHAIR**—I would like to ask you about something you mentioned with regard to the adoption of one of your children, and that is adoption disruption. What happens when it doesn't work?

**Mrs Harding**—First, I would like to make the statement that Australia has one of the lowest disruption rates in the world. I would like to think that that is because our parents are better educated and better informed, not because they have had to wait longer. In some states they are far better prepared—again, there is a discrepancy across states. We were so well prepared in South Australia and we were preparing other people in Queensland. We were very well prepared in South Australia. We were given a little book and we had to fill it in. We had to get stamps if we went to a seminar and we had to get stamps if we saw a counsellor, so by the time we came to be assessed we could hand our book in and say, 'This is what we've done to be proactive in educating ourselves and preparing ourselves for adoption.' I must say that I saw that as one of the best options, because it was not costing the government for us to educate ourselves. It was our responsibility to be well educated.

Adoption disruption is when an adoption does not continue, because the adoptive parents have decided for it not to continue or, in some cases, because the state government has decided the adoption will not continue or because the child leaves home. Disruption is defined as involving a child under the age of 16. Our daughter had been placed in a family who had gone through a very extensive preparation, but there are other keys that are vital to adoptions working. I know that the ladies this morning presented two of the points, but in the research I have done there are actually four. The third is preparation and the fourth is commitment.

Some people see adoption as not being as big a commitment as having a biological child. I have even heard adoptive parents say, 'We've got the 12 months that we have the child almost on appro.' My then 18-year-old Sri Lankan adopted son took that person on very heavily. He said: 'Adoption is the same. You don't get a child on approval. It's not a car; it's not a washing machine; it's not even a puppy. It's a child. When you commit to that child, you take that child on for life.' So that commitment element can come into it, too.

When an adoption disrupts, it disrupts for a variety of reasons, but one of the elements, certainly for an 18-month-old, would have to be that parent's commitment to making a go of it. She was 18 months old at the time. Yes, she was a screamer and, yes, she was a difficult child, but she was an 18-month-old who had been wrenched out of one culture into another, wrenched out of the arms of one person who had cared for her for several months into the arms of someone who did not smell, look or sound the way that she knew. For an 18-month-old child, that is very traumatic. Four weeks later she was left at a social welfare office by those people and put in a room where she waited five hours for us to turn up and then went off with some other strangers who had lots of squawking children, who thankfully distracted her from a lot of her distress. Does that answer your question?

**CHAIR**—Yes. So if it becomes disrupted they find someone like you who will take over?

**Mrs Harding**—In a lot of cases, that is the case. But, if it is an older child, often that child goes into limbo. We know of a child in New South Wales who has been in a boys home, living in

a caravan on somebody's property, just drifting around. If their adoption has been finalised here in Australia, therefore making them an Australian citizen, they come more strongly under the state in which they live. But if the child's adoption has not been finalised, which is the case in a disruption in Western Australia, that child lives in limbo. They have no-one in particular. They do not really have a country they belong to. It depends on the country they were adopted from as to whether they have lost citizenship as a result of their adoption. If they are from a country from which they lose citizenship as a result of their adoption and they do not have Australian citizenship, that child sits in limbo.

**CHAIR**—If we as a country have allowed someone to come here with the expectation of being adopted and becoming a citizen, we cannot leave that person out in limbo, not knowing where the hell they are.

**Mrs Harding**—I think she spent several years in limbo before she turned 18 and could apply for citizenship.

**Mrs IRWIN**—That is something to really look at, to see if it has happened or can happen.

**Mrs Harding**—The thing is, though, that it comes down to a very small number of people.

**CHAIR**—But one is too many.

**Mrs Harding**—Yes, one is too many.

**Mrs IRWIN**—It would be interesting to see whether there are any statistics—and I do not know who I could ask about this—to show how many cases of intercountry adoption this has happened in.

**CHAIR**—That is what we are talking about.

**Mrs IRWIN**—I know, but it would be nice to find out the statistics.

**Mrs Harding**—Do you mean the number of children who have been left in limbo?

**Mrs IRWIN**—Yes.

**Mrs Harding**—I think it is probably very small. I actually know of only one, personally. Often adoptive parents will go through the process for the child, even though they know they are not going to continue to raise the child and that the child is going to be too old to be placed with another adoptive family. That was a disruption that happened in New South Wales very recently. The adoptive parents went through the process of finalising the adoption and getting the child's Australian citizenship, and on that particular day he was marched straight off to children's services to go into foster care. But they finalised his Australian citizenship first, so he was no longer a child sitting in limbo.

**CHAIR**—Was that because he was uncontrollable and they could not cope?

**Mrs Harding**—Yes. I have one other point. One of the statements that is often made is that there are not enough children out there in the rest of the world to be adopted. I do not know if you want to take this on or not, but this document is from the CNN web site. It is about Angelina Jolie adopting an Ethiopian child. There is a statement in it by one of the authorities in Ethiopia, Ato Hadosh—I know that he is one of the authorities in Ethiopia—stating that there are five million children in Ethiopia who are orphaned. We are talking about an awful lot of children waiting to find families. As a statement showing that Ethiopia are working as hard as they can, in 2003 a record 1,400 children were adopted abroad. That means they are working darn hard. They have fewer staff than the Queensland department has.

**Mrs IRWIN**—We have an ageing population here in Australia and our Treasurer recently said that we should have one for mum, one for dad and one for the country. Then there are so many children overseas who—

**Mrs Harding**—Our two intercountry adopted children who have reached adulthood are fully employed, paying superannuation, paying taxes and voting.

**Mrs IRWIN**—They have not forgotten their roots.

**Mrs Harding**—No. Both have had reunions with their birth families. Both have been back to their birth country several times, but both claim themselves to be very much Australians. My 17-year-old is an Australian before he is anything else. He has a part-time job and is paying his own way through TAFE. So the notion that these children could become a burden on Australian society is wrong. They are growing up as first generation Australians because they are growing up in Australian families.

**Mrs IRWIN**—We were all migrants to this country once ourselves, weren't we?

**Mrs Harding**—Yes.

**CHAIR**—Thank you very much for that enlightening story.

**Mrs Harding**—Do you want the CNN document? You can read about Angelina Jolie.

**CHAIR**—Yes. Thank you very much for coming and telling us that story. It certainly adds to the information we have.

**Mrs Harding**—Thank you.

**Proceedings suspended from 1.03 pm to 1.39 pm**

**CHAIR**—I now invite members of the audience to make a brief statement or to add to evidence that has been given this morning.

**Sue-Belinda**—I am the vice-president of the national Chinese support group called Families with Children from China. On behalf of my children—our Korean born son and Chinese born daughter—may I say, ‘kamsamnida’ and ‘xie xie’: **thank you. Thank you so much, this is so important to us all. Our daughter was the first child adopted into Queensland from China. It was a fight to the finish with the government.**

There are a few things that have been raised during the day that I would like to add to, having been given this opportunity. Not all countries have an interim adoption order. Whilst it might seem good that your adoption is finalised in the country of the child’s birth, such as in China, there are disadvantages to that. It means in the case of our son that he is eligible for a Queensland adoption certificate. That may not seem like a big deal, but when you try to enrol a child in a school and you have a Queensland adoption certificate your life is easy. When you try to enrol your other child in the same school’s preschool with a Chinese adoption order and an inch and a half of translated documents, they immediately become an object of some curiosity, which is very unfortunate. It also means with an interim adoption order that these children are not automatically Australian citizens. We must pay the \$124 and apply for citizenship.

In relation to moving interstate, within the China program we have a large number of families who have moved interstate. A lot has been made by the Queensland department about the fact that there is not an endless supply of children. If you were to go to the United Nations’ web site and look at their site on children you would find out that there are between five and eight million children currently abandoned within China. At any time 100,000 children are available for adoption through the China Centre for Adoption Affairs, which is the one office. None of the current staff from the Intercountry Adoption Unit have been to the China Centre for Adoption Affairs, which is rather sad because if, for example, we were able to adopt through an American agency—and there are over 50 agencies which adopt from China—they have officers on the floor in CCAA who are actually able to advise families that their file has been received, has been checked, has moved to the matching room, has been approved, and that any day now they should be receiving notification that they have been chosen to be the parents of a child. It would be wonderful if we had a centralised system here, such as banks do—the Commonwealth Bank, Westpac and NAB all have a main office and multiple branches—for adoption that would allow people to be represented in each of the relinquishing countries.

It is also very easy for anyone to go to a web site for the Hague and download the contact details—the names, telephone numbers and email addresses—for all relinquishing countries that currently have children available for adoption, and to begin a dialogue to find out how Australia might add these countries to their list. I have done that on a number of occasions. To simply go to a web site and find that immediately you have a name, telephone number and an email address puts paid to the argument that it is very difficult to find out who to approach.

Mrs Bishop, you mentioned the notion of applying for a passport. When we applied for a passport to take our son back to Korea the first time it was very simple. We went with his Australian birth certificate and we got his passport—standard arrangements. We are currently

applying for a passport for our daughter born in China. I went down to local post office and the man smiled at me very nicely and explained that I will need to get her Chinese birth certificate; I will need to have it translated; I will need a copy of her citizenship certificate, duly certified by a JP to be a copy of the original; and I will need to bring photocopies, certified, of her Chinese adoption papers. So I have now assembled a file a good centimetre thick to enable me to go to my local post office, pay my money, and get a passport for my child, who is an Australian citizen.

The inequities that exist are dreadful. The inequities that exist between states are dreadful. China, for example, allows single adoption; Queensland does not. China believes fervently that having one good parent is much better than life in an adoption centre. Much has been told to each of us. All of us here who are experienced with the Queensland system have had the words thrown back to us: 'Everything we do is in the interests of the child.' I do not know if any of them have been to a Chinese social welfare institute.

Our daughter came from an institute with 727 children under two years of age. They had a staff of 30 people who worked over three eight-hour shifts. The children were fed on the bell. The bell commenced and 15 minutes later the food was taken away. They were served a solid meal four times a week—not four days a week but for four meals a week. They spent an average of 20 hours out of every 24 in the cot with three other children. That is not in the best interests of a child.

So my thanks to you all for your time and for the very positive way in which everyone has been received here today and my very best wishes to you. We look forward to hearing that a united system is going to exist that is going to take the very best from each state. Obviously, we would like the fee structure of Queensland or Tasmania, the time line of the ACT—all of those sorts of things. Like all of us here, if we can help you in any way then we would love to. That is our Chinese letter. Ni hao. Kamsamnida. Xie xie.

**Colleen**—I have a short statement prepared. My husband and I have three boys adopted from the Philippines aged 16, 13 and seven. I believe that children are a gift and have long held a firm conviction that no-one has an inherent right to have a child. I believe that every child has an inherent right to a loving family. I also believe that a family formed by adopting children from overseas is every bit as legitimate as any other family within Australia. Consequently, I disagree strongly with the lack of financial support from the Australian government towards couples adopting from overseas, especially considering the huge support for IVF programs. Recent access to the baby bonus for children under two years is a welcome initiative; however, the age limit is unfair to all those families who are automatically excluded. I would like to see the age limit removed from the baby bonus. Thank you for your time. Excuse me for leaving, but my boys are playing in the mall with their school band in about 10 minutes.

**CHAIR**—Thank you for coming. Thank you very much.

**Tim**—Thank you very much for your time. I will be brief. I do not have a statement. My wife and I live in Brisbane. My five-week-old daughter lives in Taipei and I will not see her until after Christmas. Obviously, this process has been lengthy, stressful, difficult on our relationship and so forth. One of the biggest issues that we face is getting her home. We have got the nursery ready and everything else is ready. She is just not there.



One of the biggest issues that we face at the moment is the time between the initial decree and the final decree. We have been through four years of prodding and probing by the state government, and they know everything about me and Kate. We feel there have been substantial checks and balances placed upon us. Our birth mother presented when she was pregnant. She went through a lot of counselling until she got to the point where she felt this was the best decision for the child. I have no doubt that that was not made lightly.

There is another series of court appearances for her to go through, which is going to be traumatic; she is a very young mother. When we get to the first decree that is the point that we feel we should be able to go and get our child and our children. The final decree is a bureaucratic process which has to be followed under the Hague convention—I appreciate that—but we feel those six or seven weeks should be brought down to a much shorter period. She has already suffered an extremely large loss at this point in time with the birth mother giving her up. We would like to see her in our family so she can bond with my wife and I, thereby avoiding further bonding issues as she grows and experiencing another loss so early in her life. That is the issue that we have.

**CHAIR**—When do you expect the initial decree?

**Tim**—We do not really know the process now but we expect it will be in about November. That will enable us to bring her home in November or December, as opposed to in the new year.

**Mrs IRWIN**—Instead of four to six weeks after the final one.

**Tim**—I think the sooner we get the children into their families the greater impact that will have.

**CHAIR**—We had a very telling submission earlier today outlining the case for that reduction in time. We are grateful for your coming and telling your personal story about how it is impacting on you right now. Thank you very much. Is there anyone else with something to say?

**Doral**—If there is no-one else; I do not want to take time from someone who has not spoken, but there was an oversight in something I said earlier.

**CHAIR**—Please continue.

**Doral**—I am the secretary for the Australian Council for Adoption. I neglected to say that we have recently been having correspondence with the Attorney-General in relation to an independent observer going to represent the Australian Council for Adoption at the sessions to be held in The Hague in September. The Attorney-General said that he would make representations on our behalf to have an independent observer there. I meant to mention that today and did not.

The other observation I would like to make is on a purely personal basis, not from the Australian Council for Adoption. At a conference in Hobart in 2000, the community services minister for New South Wales, Faye Lo Po, had just released a paper called *The rights of the child* in which she proposed to adopt children who were severely abused—babies with cigarette burns, venereal diseases, those types of thing. The paper was available at the conference. Waiting to go into dinner one evening, I was standing next to a senior officer from the Western Australian

adoption section who was talking to a New South Wales MP. He said: 'Here we have been introducing all these antiadoption policies all the years and suddenly in New South Wales we get a minister who is pro adoption. She has thrown the whole department into disarray.' That is a personal observation from a conversation I heard to support what we have said earlier about antiadoption agendas within the department.

**CHAIR**—That is just amazing. Is there anybody else who would like to say something?

**Leith**—I would like to make a statement, based on some of the things that have already been said today, in defence of and as a voice for those families who are adopting from Ethiopia. We have heard about the importance of attachment and the importance of children being in their families as quickly as possible, but I understand, from what I have been able to find out, that Ethiopia is the only country which requires two HIV tests to be done in order to facilitate immigration visas to Australia. That holds those children up for a minimum of 13 weeks. It also means that they cannot go to court in Ethiopia because Australia may not accept them into the country. When they go to court in Ethiopia they are the legal children of the adoptive parents from that day forward. A court order is made in Ethiopia regardless of whether that child can get a visa to come to Australia; they are the children of those parents. It is one of the things about having a final adoption order in the country.

Australian immigration has very tight requirements. With a child who has come out of a poor orphanage—and, from what Ms Meehan has said, we are not talking about a great deal of care in a lot of the orphanages; Ethiopian orphanages are as bad as that times 10—we are talking about children who are often undernourished and not receiving ideal care. Some of these children only receive one bottle a day because the orphanages cannot afford to give them a great deal more. So the faster those children can get into their adoptive families, the better it is, in the interests of those particular children. I believe Ethiopia is the only country from which two HIV tests are required to get an Australian entry visa, and that holds those children up for a minimum of 13 weeks. If it holds them up on terms of court, it can hold them up even longer. The US requires only one HIV test on the children—they can go from an Ethiopian orphanage to their families in America in six to eight weeks. For Ethiopia we are looking at a minimum of four to five months—and that is if the HIV tests are done as fast as possible. But Australia requires a leeway of 12 weeks between HIV tests.

I just wanted to bring that to your attention. This is an immigration requirement which discriminates against children being adopted from Ethiopia, and possibly from other countries, which is not equal across the board for the countries that they are adopted from. Ethiopia may have a higher incidence of HIV, but a child can come from any country with HIV. They can even be born in Australia with HIV.

**Glenda**—I was not going to speak, but I think I need to. My husband and I adopted Filipino twins 10 years ago. We have a little boy and a little girl. I do not think anything has changed. Nothing is getting any better. To see you here today gladdens my heart and would gladden my husband's heart. He passed away three years ago and has left me a single mum. That is the thing I wanted to say as well—that the Queensland government does not allow single people to adopt. But, as you all said before, people are left to bring up their children by themselves. It is a fact of life. They are still very much loved, and they are very much a part of our family. They are not second-class citizens—as they are treated, being overseas adopted children. There is still a

stigma; there is still that anti view. I would say it is almost like a White Australia policy that still permeates all the way through the Public Service. I have seen it for years and years. We have been involved in the overseas adoption community for 15 years. It is a difficult thing to do. It is worth it every single minute of every single day. I would just like to say thank you very much. I appreciate your being here. I really hope some of these things will be implemented for the future generations.

**CHAIR**—Is there anyone else who would like to come and say something? I know it can be a bit intimidating for some, but it is good to hear. As we have just a wee bit of time before we recommence the formal hearings, I would just like to ask Sue a couple of questions. Would you mind? I was interested in what you said about there being five to eight million Chinese children abandoned. That is not a year—or is it?

**Sue-Belinda**—No.

**CHAIR**—At any one time?

**Sue-Belinda**—That is currently. I do not know much you know about the Chinese system, but the majority of children are not orphans in China; they are abandoned. It is against the law to abandon a child in China, so consequently most of the children are babies. You do not abandon a child who can tell the policeman: ‘That’s my mum in the yellow coat, running down the street.’

Those numbers are children who are currently housed in social welfare institutions, SWIs, across China. Not all of those children are available for adoption at present. In some cases, parents are able to abandon a child in an institution on the understanding that, when their personal circumstances improve, they will return. Not surprisingly, it does not happen very often but the majority of them are left in the institution. In Queensland we are not allowed to adopt children over the age of five because in Queensland they believe—and this is not the case in other states—that adoptions of older children simply do not work. There is a lot of evidence to the contrary to say that, with a loving heart, time and patience, every adoption can work.

**CHAIR**—Does that apply only to overseas adoptions or to any adoption?

**Sue-Belinda**—Overseas.

**CHAIR**—The other thing you said was that there is one Chinese agency.

**Sue-Belinda**—There is one Chinese agency. The China Centre for Adoption Affairs, the CCAA, is the official government agency that coordinates adoption between China and all the signatories to bilateral agreements between the People’s Republic of China and the rest of the world. There are literally dozens of countries who adopt from China: Norway, Sweden, Denmark, Spain, England, Scotland, Ireland, Wales and 40-odd states of America—not all American states have agencies that represent them.

**CHAIR**—So the Americans operate like we do: they do not have a centralised system; their states do it.

**Sue-Belinda**—No, they do not. That is one of the reasons that they will probably never ratify Hague, because Hague requires there to be a central adoption agency and adoption is, for some agencies, a moneymaking endeavour in the US. Take, for example, the **Children's Home Society of Minnesota**. If you were looking for a model of how best practice in an adoption agency would work then you would not need to look a lot further than the children's home society. Their communication with their clients is excellent. Here in Queensland people are discouraged from contacting the unit to see how they are going, whereas with the children's home society you can check on a web site. You have a confidential number to key in and you can find out where you are up to and what you have to do next and think, 'Good, I can start working on that.'

For most in Queensland, that is a role that is filled by the support groups. As you have heard a lot of times, the support groups are the people who really know what is going on. We can get the information to the people wishing to move through the process, probably in direct contravention of article 45 or whatever it is, but we do it because, as a beautiful Chinese proverb says, 'If you would know the road ahead, ask those returning.' As I say to every person that I have helped with their China adoption, 'Just remember that one day I am going to phone you and ask you to be a mentor to someone else who is going to travel the same road that you're about to travel.'

**CHAIR**—You also said that the United States have about 50 people operating on their behalf on the floor of this agency. Is it based in Beijing?

**Sue-Belinda**—It is based in Beijing. The different agencies, like China Seas and **Great Wall China Adoption**, have a representative who is on the floor and who is able to advise immediately. What most of us in Australia do is to log on and join the American support group for American parents of children from China, APC, and we look for what date their documents went to China. We wait until we find someone who has the same date as our own. They will get their allocations perhaps 10 days before us, because Australia insists on everything being translated first before even phoning us to tell us that we have a child. My documents went to China on 21 February 2000, and I trawled through the web sites and found the people whose documents went to China around the same date as my own. When I started seeing their notices to say they were the proud parents of a little girl born in China, I thought, 'We're coming.' That is what we do. We become very adept at gathering resources and accessing things.

**Mr QUICK**—What do the state departments do? They must be sitting on their whatsits.

**Sue-Belinda**—I do not know what they do. I do know that when they receive the allocation documents from China they do not tell us until they have been translated. And I do know that there is nothing more precious than the phone call—they do not tell you that you have been allocated a child; they say something like, 'Are you busy right now?' Is this the call? 'Would you be able to come in to the office?' Is this the call? 'Would you and Brian be able to come in to the office? 'I will be there in an hour.' The day that we got the phone call to say that we had been allocated our daughter, I had two students in my office at university who had written fairly ordinary assignments, and I was explaining to them why they had not passed. Suddenly, my phone—set to the loudest ring and vibrate—leapt out of my handbag and started shimmying across the floor. I leapt on it and the very calm voice on the other end said, 'Are you busy?' I

shooed those two girls out of my office, jumped in the car, flew across town and picked up my husband, made it back into the office in 56 minutes, and said, 'Tell us all about it.'

**Mrs IRWIN**—Regarding the translation into English, do you have to pay for that?

**Sue-Belinda**—Yes, you do.

**Mrs IRWIN**—On top of the fees that you pay?

**Sue-Belinda**—Yes. It is funny. A lot of things that have happened, like that dreadful circumstance in the UK where those people purchased the American twins: that appears in the paper and everyone assumes that for intercountry adoption you must be wealthy. I will never forget a colleague of mine calling out to me across the quadrangle at university: 'We must be paying you a whole lot more than I thought, if you can afford to buy a little baby from China.' We are not buying children. We are paying fees and charges established by the Queensland government, the Australian government and the relinquishing country, in order to welcome a child into our family. There is a lot of public education that needs to go on, and it is made more difficult than it needs to be—like the issue of birth certificates. My son is Korean born, so he was entitled to a Queensland birth certificate. My daughter is Chinese born, and I have been unsuccessful in my communications with the minister, to this point, to convince him that, now that she is here, she is no different from a child who was born in Ethiopia, Taiwan, Fiji or Romania and is entitled to a Queensland birth certificate.

**CHAIR**—Why is she not entitled?

**Sue-Belinda**—A whim. Nobody has been able to give me a reason yet. They have just said that, because it is a bilateral agreement, I am not entitled; whereas families in other states have obtained birth certificates from their state.

**CHAIR**—But Taiwan is a bilateral.

**Sue-Belinda**—I know. Pippa's beautiful daughter has a Queensland birth certificate. The adoption was finalised in China. Pippa's adoption was finalised in Taiwan. Romanian adoptions are finalised in Romania. Colombian adoptions are finalised in Colombia. They all have Queensland birth certificates. My daughter does not.

**CHAIR**—Do you have any idea?

**Sue-Belinda**—No. I had legislation changed in Queensland in relation to that, because we had been told we would be entitled to a birth certificate for our son. When I went to the births, deaths and marriages office, it was a big day. It was a family celebration. We were going to get our son's birth certificate. I fronted up at the counter and I said, 'I'm here to get a birth certificate and I'd like one of those'—they have got these beautiful illustrated ones in multiple colours—and the chap said, 'No. It is an overseas adoption. You just get a registration certificate.' I can remember looking at him and saying, 'Do I get a little coloured tag, like I do for my dog, as well?' I walked outside, picked up my mobile phone and phoned Mr Foley's office. I spoke to his secretary. He was on the floor of parliament. He phoned me back within a half hour, which

was impressive, and then I spoke to the director general of births, deaths and marriages. I was told that I would need to change the legislation, so I said, 'that is fine.' and off I went.

**Mr QUICK**—There is one law in other states and another law in Queensland.

**Sue-Belinda**—That is exactly right. At present, I am trying to get the birth certificate for my daughter because though I love her Chinese birth certificate—it is beautiful; it is part of her; it is part of her heritage and we will always treasure it—I know that her road is going to be made a lot easier by having a birth certificate that looks just like everybody else's. These children are ours. If you ask every adoptive parent in this room they will say that these children are ours. There is no reason for them to be held up as something that is different or an oddity or something to be looked at in a different way. They are our babies and we would do anything to protect them.

**Mr QUICK**—Are you surprised or not that the state government has not made an official journey into this room to make—

**Sue-Belinda**—No, I am not surprised. We are absolutely tickled that you are joining us on Sunday but we know full well that there was no way that we were going to get a minister or the Premier there on Sunday. I do not think that it is any secret that the adoptive community of Queensland is pretty cranky. We joined the adoption process in 1994 when we made application to adopt our son, who joined the family in September 1997. When we went through our first adoption there was very much a culture of not rocking the boat or you will get in trouble—and you just heard the chorus of 'mmmm'! Your file might fall off the back of a desk. Someone might get cranky with you.

We are all a bit older and bolder now and we know full well that the only way you get things changed is to stand up and be counted. I speak only for myself here but I cannot begin to tell you how wonderful it is to have a federal inquiry, to be able to meet with you people, to allow you to see us as people with families that we are prepared to fight for and to let you know that once you have been to these countries and seen the children waiting your life will never be the same. The only blessing is that for each of us our children were chosen. I can remember people saying to me, 'He is a handsome boy. Did you get to pick?' No, if I got to pick we would have had to charter a jumbo jet and bring them all home. One is chosen for us and we take only one away—or if you are very fortunate there are twins or a sibling group. But your life will never be the same once you visit one of these places. We support children at our son's orphanage and we support children at our daughter's orphanage and through our new China group we raise money to pay for surgery for children in China. Cleft palate is a very common condition, as are facial tumours, and they render a child not desirable for adoption. So we have the problem repaired. Instead of Christmas presents from my husband and me last year, we bought four cleft palate surgeries for four little girls in China—the best present we have ever had.

**Mrs IRWIN**—Glenda, I know that you were talking about the time limit. You adopted two beautiful children, a boy and a girl—is that correct—in the Philippines 10 years ago?

**Glenda**—Yes.

**Mrs IRWIN**—Congratulations. The time limit and the time frame has not changed one bit within the 10 years.

**Glenda**—The lady from the Philippines support group is coming to speak later and she has more up-to-date information than I do. I do know that the amount of time in the Philippines has been lowered—and just now I hear that it is back again. It took us 2½ years waiting for our file in the Philippines to be processed. The waiting time was down for a while purely because the support group here had been in contact with the Philippines government and was working with our state government here to bring up issues that they needed addressed.

The information that they required was not getting over there because there was no dialogue going on between the state government and the Philippines government. Way back when we picked up our children, 10 years ago, they were saying then that they wanted to speak to our state government, asking could they keep in touch with them more.

We picked up our babies from the orphanage. There were 13 babies in the orphanage and we had to take our two and leave the rest behind, which was really difficult. But there are myriad children for adoption in the Philippines, and our government does not contact them. There is no dialogue going on to get the right information over, to send the things that they need and to get it out in the open. We would do anything to get the information or send it over, but it is just not happening.

It was getting better for a while because of our support group, especially a lady named Connie whom we all know through the Philippines. She put an enormous amount of work into getting that dialogue going and keeping in touch. We have had nuns come out from ICAB, as it is called in the Philippines, the Inter-Country Adoption Board. They also talk about culture—that the children have been taken out of their own culture and will not experience it.

**Mr QUICK**—The culture of an orphanage?

**Glenda**—Yes. This is what Connie says; it is ridiculous. The whole attitude is wrong if the prime thing is to have a loving family. There are so many people in Australia who want to adopt. I was a contact person for about four years and I got phone call after phone call after phone call.

The other thing that is very difficult for everybody applying for overseas adoption—and I guess everybody here has been through the same thing, and it is still happening now—is the point of contact with the government organisation. I am still getting people calling me and telling me that they are so negative in their attitude towards people ringing, especially men. I know that sounds strange, but women tend to persevere more, because they really work at getting a family. Mostly it is the woman in the family who does most of the adoption work or makes the initial contact, anyway. If it is a man, he tends to be very put off by the lack of information or by the attitude, ‘This will take you this amount of years and it’s going to be very difficult.’

**Mrs IRWIN**—That was actually the follow-up question I was going to ask you. As people adopting children overseas do you feel that you were being discriminated against? You made a statement, I think, that you felt that the White Australia Policy was still there within government departments, whether state or federal. Do you feel that you have been discriminated against; do

you find it is hard getting a passport, or when the children start preschool, school or whatever? Or even when you go to a government department—as soon as you say, ‘I’m adopting from overseas,’ do they back off a bit?

**Glenda**—That is the initial thing. Adoption of any kind, as I think somebody said before, is frowned upon still, and that seems to be across the board. The guiding light or the way of thinking at the moment—I do not know what it is—is that a child is always better off with the birth mother or family. I think it is a very difficult thing to come to terms with. It is a very grey area, and there are times when that is not the best option and then adoption is a good thing. Adoption is a good thing all round, but it is not classed as that. As for the colour thing, it is definitely not accepted. It is not—it has gone right out of my head, sorry; I get a little bit emotional about adoption—

**Mrs IRWIN**—Just talk from the heart, as you are.

**Glenda**—When my husband and I started our adoption we were very vocal. We had to get out there because it was such a difficult thing to do. They put up barriers at every point, all the way along. When we were going through our initial adoption with the state government, we used to go to a group session. We were waiting for 10 or 12 months until we got a note to say we could come and do the group session to do the next section of our adoption, and they rang and cancelled it. They said they could not get enough people. We belonged to support groups at the time. They said: ‘It’ll be in another two months. What does it matter? You’ll be waiting for years anyway, so a couple of months isn’t going to matter.’ I know these things are all hearsay. When we went to our group session about half-a-dozen people said, ‘We’ve been waiting for 12 months as well.’ There were so many people waiting to do these things. That is what has happened. That was way back when, 15 years ago. I do not know whether staff shortages are still the reason for the delays. You were saying the numbers that we have now are higher than they are in the rest of Australia. I do not know why that is. I do not know why it does not work, but it does not.

**CHAIR**—The stats show that the number of children adopted over the last decade has not risen above the number that we have now. It went down even further for a while, but it has never been higher than 400.

**Glenda**—They are not accepting it. You feel at every turn that they do not want overseas adoption. All you want is a family. It does not matter whether your children are white, black or brown. You do not see them that way; you never see them as being a different colour. But you still keep their culture going. I had a lovely experience. We keep in touch with a lot of overseas adoptive families. We were having dinner with one family and I was chatting to the other mum. My 10-year-old daughter was behind me chatting to the other mum’s eight-year-old daughter. They were talking about their birth mothers and their birth names in the Philippines and having a lovely conversation about their adoption. I thought how fantastic it was that they had the ability to talk about it openly when they were only eight and 10. This happens with families in all our support groups because we keep adoption and the children’s culture and background out in open, but they are still our Australian children. Where they came from does not alter the fact that we love them. That is not always looked on as being the case in many different circumstances—in schools, the bureaucracy and wherever. It is a very positive thing that happens in our lives and the lives of most people here behind me.



**CHAIR**—Thank you very much.

**Stephen**—What was touched on before was getting information from on the ground in those overseas countries and looking at ways that the federal government could administer adoptions overseas. Let us look at the fact that we now have diplomats all around the world that work for the Australian government. We have those resources in many countries. Maybe another role of the diplomatic service could be in intercountry adoption—collecting the information, liaising with countries and helping develop programs. We do not have to reinvent the wheel; we already have people around the world doing those types of jobs. Maybe we could change their job descriptions slightly to include intercountry adoption.

My understanding of the inquiry is that you are collecting a whole lot of information and you will go away and collate that information and make some recommendations based on that information. Obviously when you make those recommendations you will have to put forward some workable scenarios for them to ever be accepted and put into practice. So I would just like to add that as a possibility.

**Mrs IRWIN**—When you are applying overseas for, say, a visa to Australia, you have to go through health checks and you go through the embassy or the high commission to do that. That information comes to the health department in Canberra and then they stamp it and it is sent back to the overseas post. So you could have someone there who might have the role—or another umbrella, as you were saying—to look at overseas adoption.

**Stephen**—It could be another part of their job description that they cover in that particular region or country. In some regions a diplomat will actually cover more than one area, but their role could be expanded.

**CHAIR**—We have come to the end of our period for the community forum. I thank everybody who took part for the contribution that they made. It was most interesting to have people tell us exactly how they feel.

[2.26 pm]

**LECKENBY, Mrs Kathryn Fiona, Private capacity**

*Witness was then sworn or affirmed—*

**CHAIR**—Welcome. For the purposes of the *Hansard* record, could you state the capacity in which you are appearing today?

**Mrs Leckenby**—I am the adoptive mother of two Ethiopian boys. I brought them along with me today. I have a photo to show you of the boys at the time that we adopted them—and here they are with me now. They are now 11 and 12 years old. We adopted them 7½ years ago. We applied for adoption in May 1995. Because I knew that the Queensland department had issues with obesity, to back up my claim as to my good health I had some medical tests done, including a heart stress test, glucose tolerance test for diabetes, blood tests, a chest X-ray and all sorts of things—all of which were perfect. We sent our application in and a month later received a phone call to say that they would not accept our application because of my weight.

We then spent the next 15 months fighting that decision. They told us that, if I lost 30 kilos, we could reapply. I said, ‘If you can tell me how to do it, I will do it, but it has not worked so far.’ All my medical stuff was perfect. I had no other issues—just the obesity. We ended up going through the Ombudsman, the antidiscrimination board, local members and we sent numerous letters. The Ombudsman actually found that the decision was unjust and outside of the legislative requirements, but the department still refused to change it.

There was a change of government in 1996 and the day the new minister was sworn in I was at his office with my file. Within two weeks, the new director-general, **Reverend Alan Male**, looked at my case, overturned the decision and told the department that they had to process our file. We were processed and our application was sent overseas in December 1996 and we arrived home with our sons in December 1997.

Both my husband and I have been very involved in the support groups through this time. One of the main issues I want to address is the discrepancies between states. I have been a contact person for the support groups for about seven or eight years. Even now I receive two to three phone calls and emails a week from people inquiring about adoption in Queensland. I have to tell people to move interstate. As I said, there was the expression of interest that was open for eight weeks. They were absolutely flooded with applications during that time. It was closed again and there is no indication of when it will be reopened. Over those eight years, we have had people who have rented their houses out in Brisbane, kept their Brisbane jobs, moved to Tweed Heads and rented a house there, and adopted through New South Wales. When all their paperwork has gone overseas, they have moved back to Brisbane. It is ludicrous to me when we live in the same country that people would have to move across the border to do an adoption.

We had a couple in Townsville who were knocked back because of his weight. That was one of the issues when the director-general overturned the decision with us. He said that BMI alone, the body mass index, could not be a deciding factor unless it was accompanied by other medical

risks. That decision being overturned then allowed people who had been knocked back because of their weight to re-access the system. However, within 12 months it was back to where it was before.

That has been the story of the last 10 years. We have fought for change for improvements in adoption. Every time we feel we have made a couple of steps forward, it gets knocked back to where we started from. When the new intercountry adoption unit was opening up we thought that it would be the answer to a lot of problems and a big positive change in Queensland, but as far as I can see all we have done is swap one set of problems for another. Even though under the old system it was incredibly slow, you had a pretty good chance if you applied that at some stage you would be processed. Now there is no guarantee that they will even look at your file. You are put into a pool and they can pick people out of it. So anyone who does not suit their requirements, anyone who might be a little outside the square, does not get an opportunity to get assessed.

As I said, we have had a couple in Townsville who were knocked back because of his weight, despite the fact that both of them were in their twenties at the time. Again, he had fine health; it was just his weight that was the only issue. I said to him, 'Do you want to fight for what's right or do you want kids?' They said, 'We want kids.' I said, 'Move to the ACT or Tasmania.' He got a two-year contract with the ANU in Canberra and in two years they applied for adoption, had their file sent overseas and were allocated two little girls from Ethiopia. They got home with the girls, reapplied for adoption and had their file sent overseas again in that two-year period and then moved back to Brisbane.

At the same time, people who had applied here in Queensland had not even been called up for their education study. Some of the people who had applied at the same time are only getting their children now. This particular couple are onto their third application. It is so frustrating to have to talk to people and say to them that it is not going to happen here; there are no guarantees. By the time it could be open again and by the time someone may or may not look at your application in the pool of applicants, you are going to be too old and there are going to be all these issues.

In our instance, the boys were 3½ and five when we adopted them. When we were approved for siblings between zero and five, we said: 'We're quite happy to have boys and we're quite happy to have them at the older end of it,' because we knew that those were the children who were least likely to get placed. Our eldest son is Tamru. Both our sons were pretty sick, with malnutrition and various things, when we got them into Australia and the doctors here said Tamru would not have lasted another six months. Yet these two are both now very lively, very productive Queenslanders. Tamru is in the district touch football match today. Ironically, as an Ethiopian, he is involved in Queensland cross-country running—this is a child who they said would not have survived another six months.

I had in my submission comments about the discrepancies with the baby bonus amount. I know some of that has been redressed, although I must say that adding a 3½-year-old and a five-year-old to our family was no less expensive than if we had brought home two children under two years of age. For a child that happens to be 2½-years-old when you adopt it you still have to buy car seats and all the equipment and you still have to get everything else. I do not see that there should be an age limit on it.

**Mrs IRWIN**—Congratulations on your battle with the Ombudsman. Do you know if any other adoptive parents have taken their cases to the Ombudsman?

**Mrs Leckenby**—I am not sure. I was shocked because at the time I thought that if the Ombudsman found in your favour that meant that the decision was overturned. But the Ombudsman said, ‘No, we make recommendations and 99 per cent of the time the departments will act on our recommendations but in this instance they would not.’ It ended up with the manager, adoptions, resigning over our case.

**Mrs IRWIN**—You stated that you have said to people, when they have phoned you for a little bit of guidance and a bit of advice given what you have gone through, that they should go to the ACT or Tasmania. Do you find that their reaction is one of shock that you have said, ‘Leave Queensland’? How many people you have given that advice to have actually gone?

**Mrs Leckenby**—People are shocked. They are shocked that this is not a federally based thing and that it is so different between states. A lot of people are extremely disillusioned because not everyone can pull up their roots and move interstate. I know that of the people that I have talked to probably four or five families have done that, but we know of a lot more.

**Mr QUICK**—I mentioned to someone this morning about having to jump through all the hoops and do that 260-page booklet and other stuff. What happens to those files? So we have got whopping great files at DOCS in Brisbane and they all sit there just gathering dust?

**Mrs Leckenby**—Yes. It is interesting that at the time we went through it we were not even allowed to see our home study. When we were fighting our case, I had to access some of our paperwork through freedom of information. We had a couple of pieces of information disappear; they were not there when the freedom of information people went to get them. The way that they process it has changed over the years. At the time that we went through it there was almost no education, and I think that was very wrong. I wholeheartedly believe in people being well assessed for this. I believe that adoption is not necessarily the right thing for every couple, that they need to be in the right frame of mind to be doing it and that they should be educated, because it is different: there are going to be different issues with the children as they grow up and I think that if their parents are prepared that can make it so much easier.

I have in the ACT two sisters who have both adopted from overseas. I have a nephew from the Philippines, a niece from Fiji, a niece from India, three nephews from India, a nephew from Taiwan and a nephew from Korea. Of those eight children, only one of them would have been allowed to be adopted in Queensland. I have one sister who has six adopted children. She has adopted older children. She has adopted disabled children. She has adopted out of birth order. She has children who are only five months apart. We were told categorically that we had to have two years between our youngest daughter and the children we were adopting. We have four older children as well as the boys. Only one out of those eight children would have been allowed in Queensland.

**Mr QUICK**—As for these education programs when you first inquire, through expressions of interest or whatever they are called, and you raise examples of these things happening in other states, what is the standard response of the Queensland department?

**Mrs Leckenby**—I must admit that I have not had a lot of close contact with the Queensland department for a few years now.

**Mr QUICK**—When people ring you and say, ‘I’m thinking about it,’ your first response is to say, ‘Don’t apply here; go interstate.’ Do they then say, ‘No, I can’t’?

**Mrs Leckenby**—Yes.

**Mr QUICK**—Do you say to them, ‘When you go to these education things, ask some of these questions’? Do you put some spokes in the wheels?

**Mrs Leckenby**—They do not go to any education process until they are selected from the pool of expressions of interest and their process is started. The first education session is way down the road. They did some sessions, I think, during the expression of interest period, to talk to people a bit about adoption, but that was during the eight-week window that was open.

**Mr QUICK**—Is there a web site in Queensland that covers all the intercountry—

**Mrs Leckenby**—There is one with the government, yes. I tell anyone who contacts me that that is where they can look up information in Queensland.

**Mr QUICK**—That is the government web site. Is there a need for a different web site? For instance, ‘Here’s the government line; we’ve jumped through all the hoops and here are all the hurdles; here is some advice’—questions and answers. Is there a need, perhaps, for some funding for the people who have survived the system to put up some happy photos and the like?

**Mrs Leckenby**—International Adoptive Families of Queensland have a web site, the Australian African Children’s Aid Support Association, AACASA, have a web site and the Australian Korean Friendship Group, AKFG, have a web site. I have a personal web site, which is how quite a few people contact me, because they do a search on Ethiopian adoption in Australia and they get my web site and my details. As support groups, we have to be extremely careful not to put something out there that says, ‘This is the way to fight a department,’ much as we would like to. I personally do not feel that being confrontational and antagonistic towards a department is going to help anybody.

**Mr QUICK**—But nothing has changed in 20 years. Do we all lie down and—

**Mrs Leckenby**—No. We are here because we will not lie down. It has been eight years and I am still here.

**Mr QUICK**—With regard to the social worker who liaises with you after you bring the children in, is the ethos of the department any different? They all part of the same little department—there are probably 20 of them. Is there a different response or is it a case of their saying: ‘Okay, you’ve beaten the system; you’ve got the kids. We have to liaise with you for six months or 12 months; that’s the regulation’? Are they supportive of you and your children?

**Mrs Leckenby**—The post-adoption visits you get from your social workers?

**Mr QUICK**—Yes.

**Mrs Leckenby**—Social workers are on contract. They are not employees of the department. Our social worker was wonderful, and we are still friends with her. She helped us in some ways—for instance, ‘I know that you are not allowed to see your home study report, but this is what it looks like—before I give it to the department.’ She was very supportive, very wonderful. We basically did not hear from the department from the day we got back. The post-adoption reports were done by our social worker, who sent them in to the department. They never spoke to us. I had contact with them through the support groups, but in no way did they offer any support or anything with our adoption once we got the children home. All of the support has come through the support groups.

**CHAIR**—You have a large family and you clearly love your kids. What made you want to adopt in addition to the children you already had?

**Mrs Leckenby**—As I said, I have a bunch of nieces and nephews from overseas and I had seen what a positive way that was to build a family. Our two eldest sons are now nearly 21 and 23 and, after our second son was born, I had a lot of trouble getting pregnant again so there is a five-year gap. I had IVF for our third child, a daughter, and then Hanna snuck in somehow and we are still trying to figure that out. I had had medical problems, with two caesareans and other issues like that.

We felt that we had room in our hearts and our family for more children, but we did not necessarily have to produce them ourselves. I had been very keen to adopt for a long time. One of my sisters adopted two boys from India who were five and nine. We watched, over three or four weeks of them getting home, these two boys turn from very sickly, very frightened, frail little boys to bouncing around the house full of beans, laughing. They were abandoned three years previously and they had been in an orphanage in India for three years. Sadan, the youngest one, had not spoken for three years; he had completely shut down emotionally. Within two weeks he was babbling away in Maharati—we did not know what he was saying, but he was talking. It was just such an amazingly rewarding experience to watch. One day we were watching them and my husband turned around and said, ‘Okay, who do we phone?’ It did not take much encouragement for me to make the phone call. That is how it started for us, and it has been the most incredibly rewarding experience.

This is such an incredible win-win situation because these kids get a loving family and opportunities which it is their right to have but which have been denied them through their circumstances. We get these incredible little people join our families. It has touched so many lives. The feelers go out. Their birth culture has become part of our family. We are travelling over to Ethiopia in November for six weeks. After a lot of looking, we have found some very extended family—their great-uncle and some second cousins. We are taking them over so that they can see their country through more positive eyes because most of their memories of what happened to them over there are pretty dark. It has been a wonderful experience for our whole family.

**CHAIR**—We know that in Australia to adopt Australian born babies is difficult—there are very few available. What about older children? You have adopted older children and have some

knowledge of that. Is there much adoption of Australian born older children who are in institutions?

**Mrs Leckenby**—There are very few. Unfortunately, what tends to happen is a lot of children get lost in the foster system. Unless the birth parents relinquish their rights to the child, many children end up in foster care, going from one foster home to another, because the parents do not want to sign on the dotted line to give up their rights but do not want the kid, either. These children would do amazingly in a permanent family but there is such a ‘blood is thicker than water’ mentality out there. My husband and I did the initial interviews and stuff to look at doing foster parenting about three years ago. We got to the end of it all and I said to him, ‘I am absolutely opposed to everything they are saying—that the child is the property of the birth parents—

**CHAIR**—The ‘property’?

**Mrs Leckenby**—That is the way it was put forward. It was: ‘We will do absolutely everything to reunite these children with the birth parents.’ Too bad if fathers rape them, too bad if they are neglected, too bad if we send the parents to a few counselling sessions, the kids go back to them three months later and then they are taken out of care again because they have been abused again and they go to another foster family. I looked at this and I thought, ‘I cannot do this; I cannot love a child back to health and then see them put back in the situation that has destroyed them in the first place.’ So we decided not to go ahead with foster parenting.

**CHAIR**—That is an extension of some of the things we heard earlier, isn’t it—that there is an antiadoption attitude? Here in Queensland there have been shocking stories of what happened to children in foster care and so on. It has been a scandal. Do you think it derives from this antiadoption attitude?

**Mrs Leckenby**—I do not know if it is blatantly anti adoption or just pro blood relation. I personally feel that some of this may be a swing back from the stolen generation pendulum. It was so extreme 40 or 50 years ago—I have a close friend who was one of the stolen generation—and, to me, it is like it has swung so far the other way. Now you put the kids back with their biological parents regardless of the child’s safety. The best indicator of future behaviour is past behaviour, and these parents keep doing it and keep doing it and the kids are given back to them. I personally believe that after certain levels of abuse—repeated abuse and things like that—the parents’ rights should be terminated; these children should be available for adoption. That, of course, would be another source of child adoption for families. It is not going to happen in Queensland with the way the mentality is here at the moment. I do not know about the other states. I think New South Wales passed some legislation a few years ago that was in that direction; I do not know the details of it. But in Queensland it is still very much doing everything to reunite the child with their biological parents.

**Mrs IRWIN**—Out of curiosity, did your sister come before the inquiry in Canberra?

**Mrs Leckenby**—I am not sure, but I am pretty sure she would have; she is really out there. Her name is Julia Rollings.

**Mrs IRWIN**—Yes. I saw her name and I thought I remembered it. There was a wonderful woman who came to the inquiry and she had a number of adopted children.

**Mrs Leckenby**—She has been very active.

**Mrs IRWIN**—One or two of them have a disability.

**Mrs Leckenby**—She has been very active in support groups and was President of the Adoptive Families Association down there for 10 years.

**Mrs IRWIN**—You were talking about costs and the service provided. Can you tell us the amount of your expenses? We know we are going to go back a few years, but I refer to airfares et cetera. What would it have added up to?

**Mrs Leckenby**—At the time in Queensland the fees here were a lot lower—the service was not real good either. At the time, we said, ‘Look, we’d be happy to pay some more if we got better processing.’ All up, with two of us travelling to Ethiopia—the boys were both on the higher airfares because they were over two—it cost us about \$17,000.

**Mrs IRWIN**—Was that the first trip that you ever made to Ethiopia?

**Mrs Leckenby**—Yes, and I fell in love with it the minute I got there.

**Mrs IRWIN**—And wanted to bring back more children, most probably.

**Mrs Leckenby**—Yes. One of the things that stopped us doing another adoption was the Queensland law that says you cannot have more than four children under 18 when you apply for adoption. By the time our second son turned 18, the adoptions had closed in Queensland so that closed that door.

**Mrs IRWIN**—You should have phoned someone and asked for advice, and they might have said, ‘Go to the ACT or New South Wales.’

**Mrs Leckenby**—It was tempting, but we did not want to uproot all the other kids.

**CHAIR**—Thank you very much for your story and the wonderful care you give.

**Proceedings suspended from 2.53 pm to 3.17 pm**



**BYERLEY, Mrs Sharon Margaret, President, International Adoptive Families of Queensland**

**TELFER, Mr John Robert, Vice-President and India Country Coordinator, International Adoptive Families of Queensland**

*Witnesses were then sworn or affirmed—*

**CHAIR**—I welcome representatives of the International Adoptive Families of Queensland. Would you like to make an opening statement?

**Mrs Byerley**—Yes. I suppose you have heard a lot today about the major issues here in Queensland. I would like to just go over a few of those, particularly the expression of interest process that we use up here. The form that the expression of interest has taken means residents of Queensland at this point in time cannot adopt and do not know when they will be able to adopt in the future. When the expression of interest was called a large number of couples put their names down. It caused a panic situation, a just-in-case mentality as a bit of an insurance policy, and, as I said, it is still unknown when it will reopen—hence so many people put their names down.

At the moment I am fielding a large number of inquiries from couples wishing to adopt who have realised within the last six months that they are unable to put their names down but wish to adopt, and unfortunately we cannot tell them when it will reopen. This number is growing all the time, with the emails and phone calls that are coming through. I think the reason Queensland hang on to the system that has been introduced is that it gives them total control over the adoption process; they decide who will move forward.

We have a pool situation, with basic five-point criteria for how they will move through the system. The first criterion is cultural links; those customers go through the system. The second is people who are doing second or subsequent adoptions. The third criterion is couples who wish to take children with special needs. Then we have the two bottom categories: couples that have had experience with children, and first-timers—first-time parents who really do not have any experience. They are at the bottom of the pool. With that bottom part of the pool, the department here chooses who they are going to put through once their 17-page application is put in. They then choose who goes through. It gives them total control over who will move forward, which, I think, is going to mean problems will start coming up. The pool could be seen as discriminatory. If you have two couples who are first-timers and do not have any experience, who are the same age, who live in Brisbane and who have about the same amount of education, then why is this couple chosen over that couple? I think, in the future, if this system remains in Queensland, they are going to have trouble with discrimination regarding the reason one couple is chosen over another.

Adoption was closed for over two years in Queensland. It has now been open for eight weeks and there has been processing for 10 months. The department still do not have a policy on how to choose people from that pool. In the two years that adoptions were closed and in the up to 10 months they have been processing, they still do not have a policy in place on how they should

choose, other than those five criteria. In that bottom group, they do not know how to choose them. It has taken that long and they still do not have it. There is a meeting this Monday, apparently, to discuss that issue yet again.

There are other issues in Queensland. We have just gone through our second adoption—we have a little girl from the Philippines who is four—and we were waiting for two years. We fought Queensland on age: we were over the age limit, and we fought them and got that changed. Our second file arrived in the Philippines some seven weeks ago. In the process we had to go through this time we had to do three times the amount of work that we did for our first adoption. Even though we are now experienced, because of the new systems they have brought in, three times the amount of work was done to send our file over. The other interesting part was that the amount of information sent over to the Philippines was doubled. The actual assessment put together and sent over last time, for our first one, was 17 pages. This time it was 32 pages.

My concern with this is that if we, say, went through in Tasmania as second-timers, possibly a 10-page document would be sent over. The Philippines is receiving 32 pages from Queensland and 10 pages from there. The actual information that is being sent differs from state to state. So the Philippines look at this and, if they want to find out particular information, they have to wade through it. The countries that we are dealing with have limited resources. A country like the Philippines is receiving files from all around the world. They normally sit on about 350 files; they are sitting on 500 at the moment. The allocation time for our first adoption was six to nine months, 2½ years ago. It has now blown out to two years. Couples in Australia at the moment, predominantly in Queensland, are waiting two years to get allocated.

My concerns are that the information we are sending over is varying between each state—as we said, it is like coming from eight little countries—and that they have to wade through it; therefore, it is taking longer. We have always been told that the Philippines was extremely happy with the information that was being sent. Why did we increase the amount of information going over? I do not know that answer and they will not tell me. They do not think it is a problem here, but something is slowing down the system. I am talking about the Philippines because that is the country I have experience with, but this increased documentation is being sent to all countries.

This leads me to the pressure being put on the relinquishing countries. In Queensland we supposedly deal with 14 countries. In reality only six programs are really working where we are getting numbers through. We have been trying for a number of years with support groups to get new programs open. I know it is not the department's job per se—it is supposedly the Commonwealth's job to get new programs open—but it must be initiated by the states. Because they no longer have bilateral agreements, which they used to, it is getting harder and harder to open new programs. If we could set up a bilateral agreement with a country like Vietnam, which has signed Hague, it would probably move through. But because the states have got together and decided not to do bilateral agreements anymore, this process is not moving forward.

Also in regard to the relationship the department has with the overseas countries, it seems to have little knowledge and a very tentative relationship with overseas authorities. We are constantly hearing, 'We don't want to jeopardise the program.' 'No, we can't ask that question, because we might upset them.' 'We can't ask about a particular file, because we don't want to make it hard for couples coming behind you.' These are for people who have had their file sitting

over in a country for two years. I am dubious about the relationship the department has with an overseas authority when it cannot ask questions like that.

The other issue under the terms of reference concerns the family bonus. I know that has been changed and taken up to the age of two. The concern about the age limit is that the cost of adoption, as everyone has stated before, is the same whether you adopt a two-year-old or whether you adopt a four-year-old. Parents have to stay home in Queensland for one-year. Therefore, they cannot go back to work and there is no income. My other concern is that it could be seen as an insult to these countries—that by giving the parents no financial help to look after the child Australia does not value the older children that come into this country. I feel that they would see it as their children being not worthy of getting that financial help because they are over two.

Another thing that worries me is that couples may change their preference to a younger child when they could take an older child. A lot of these countries have a screaming need for people to take their older children. Sometimes their babies are easier to place around the world but, because countries like Australia have a time lag, these children move past these age limits. People might go, ‘Well, if I go for a younger child, I will be able to afford a little bit more.’ People may change their preference because there is this age cut-off. They were the points I wanted to make. Thank you.

**CHAIR**—Mr Telfer, would you like to make a couple of comments?

**Mr Telfer**—Yes, I would like to make a couple of comments. I wish to endorse a number of things that have been said before. I cannot endorse them all, but I would like to make one comment in relation to departments being opposed to adoptions. It was said to me in a private conversation with a senior member of the government that when Ann Warner was minister for family services in the Goss government some years ago she was philosophically opposed to all adoptions and deliberately skewed the department in that direction.

**CHAIR**—We heard about Ann Warner before.

**Mr Telfer**—Since then we have lived under the policies that were established then. Those who followed her did not appear to understand what had hit them and were unable to come through that. We are still living today with the policies that were established at that time. That is very real. Certainly we have experienced it. We have experienced somebody coming out to do an assessment of us launching into an angry tirade about adopting people and stealing children. That was somebody sent out to do an assessment of us.

**CHAIR**—Really?

**Mr Telfer**—That is real.

**CHAIR**—A person sent to assess you?

**Mr Telfer**—That is right. Somebody mentioned before about the women being more persistent than the men. I do not think anybody in the department here would say that in relation to me—I can hear the chuckles around the room. I am probably the most belligerent and

determined that you will get. I have prepared a statement and I have given a copy to Harry. I have not given it to anyone else. I will hand those out. If you want to get something early from me, you have to be quick. Harry has one.

I will read through my statement and a number of other things that I written down as we have gone through today. The primary need of intercountry adoptions is a single central authority with standards of accreditation that all accredited bodies are required to meet and that complaints about their conduct can be made through. There must be an accreditation founded on the Hague convention article 11(b), which requires that an accredited body must be 'directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption'. That is, they must be trained in intercountry adoptions, they must be experienced in intercountry adoptions and/or they must have done specialised studies in intercountry adoptions. There must also be a time frame expectation for processing applications.

The second need of intercountry adoptions is for an alternative accredited body other than that which is run by the state government. This would break the totalitarian nature of a government body where all authority is vested in one individual, the manager of adoptions. These alternative accredited bodies must be able to operate across state boundaries.

I stand here today, as I mentioned before, wearing two hats and possibly three. I am Vice-President of the International Adoptive Families of Queensland, I am the country coordinator of the India program for IAFQ and I am an adoptive parent of two pairs of siblings that have been adopted from India. Between our first adoption from India in 1998 and our second in 2004, there have been two adoptions from India, that I am aware of, to couples in Queensland. Persons such as ourselves who are of non-Indian extraction are being told that the Indian program is only open to persons of Indian extraction. This is a blatant lie. Persons of Indian extraction are being told that there is a seven-year wait to adopt from India, and this is also a blatant lie. The Indian program is effectively non-functional in Queensland, but is working quite well in other states. The Sri Lankan program has suffered the same fate.

The stalemate has arisen regarding the vital role of non-government organisations in the adoption process. The Indian agencies will only work through them; the Queensland government refuses to work through them. It would appear that non-government organisations need to be considered seriously for accreditation or at least an accredited role—a role that carries across state boundaries. There are multiple programs that are operating in other states that are not operating in Queensland.

There appears to be some progress here in Queensland regarding the development of policies. At the current rate of development this will take about five years, and with the stroke of a pen this could all be thrown out the window. Those who have been involved longer than I have will tell you that this is what has happened in the past.

It is of great concern to us that there are few experienced contract workers continuing to work with the department. Those with experience are disillusioned and leaving. They have the experience and competence to get other work privately. We need them desperately.

Having been involved with intercountry adoptions for in excess of ten years, and for the last eight years working closely with the department to get things changed, I am convinced that there

must be a single central authority with an accreditation system that all adoption agencies within this country have to meet and that there needs to be an alternative to the Queensland department of families for processing adoptions here in Queensland. A central authority that acts as an accredited body is a law unto itself. That is not the spirit of the Hague convention. We of the International Adoptive Families of Queensland ask that this submission be taken seriously.

**CHAIR**—Thank you very much. I am interested in your comments on India. The advice we have is that India is a program administered by South Australia. It has ratified the Hague convention only in the last 12 or 18 months.

**Mr Telfer**—I am not sure whether it has ratified it.

**CHAIR**—Yes, it has now. The program is active. There were visits by the Victorian Department of Human Services in December 2003, October 2002, November 2001, September 1996 and October 1995. The South Australian Department for Families and Communities travelled in December 2003 and April 2005, and they plan to travel at least every two years.

**Mr Telfer**—They are not communicating with the Queensland department.

**CHAIR**—That is one of the questions I have been trying to find answers to. That is, what happens when one state is made a lead state for managing negotiations with a country? We have plenty of evidence of people adopting Chinese children, and Victoria is the managing state. But what is the mechanism? I cannot seem to get any real answers.

**Mr Telfer**—I do not think anybody can get any real answers, and the reason for that is probably that there are no real answers. Nobody seems to know what is going on. The facts are that South Australia and Victoria, which you mentioned, are adopting a number of children from India. India, of course, has many different systems. We talk about having six or eight different systems in Australia—I may not have the statistics quite correct—but I understand that in India there are 26 states and seven union territories, all with their own legal systems. While you adopt under federal law, the Guardians and Wards Act, which I think is from 1889, it is administered by the individual states. In Calcutta, where we adopted our two groups of siblings from, we worked through the West Bengal Juvenile Welfare Board, which has custody of the children, and then it is put through the legal system of the state, which administers the national law.

**CHAIR**—It is not dissimilar to here.

**Mr Telfer**—It is not all that dissimilar to here, no. They full well understand, but there is a huge difference between India and Australia in the way that the program works. CARA, the Central Adoption Resource Agency, is the central authority and it has some 70 to 75 or 76—the number varies—accredited bodies throughout the country.

**CHAIR**—How many?

**Mr Telfer**—Between 70 and 75—that sort of number. I heard the figure 76 at one point. It varies from time to time. They do not all necessarily handle all the intercountry adoptions. Some will have babies, some will have older children, some will only adopt to Indian couples, some will only adopt to people of a particular religion and so it goes. But if you wish to adopt from

India you have to build up a relationship with one of those agencies. Our department considers itself to be not an agency but a central authority. It behaves as a authority when it talks to or deals with the accredited bodies. I do not know why, but that is the way it likes to present itself. In India, this is not going over very well.

**CHAIR**—I do not quite understand that. You said that Queensland likes to present itself as a what?

**Mr Telfer**—As a central authority.

**CHAIR**—I suppose it is, under the MOU. So what is the problem with that?

**Mr Telfer**—It presents itself to the agencies there as a central authority, not as somebody on their own level. In India it is seen as the same as they are—as an accredited body who is processing the adoptions in Australia. If you talk to the department here, it will tell you it is not an accredited body; it is a central authority. A good relationship has not been developed between the Queensland department and the Indian agencies. The Queensland department is refusing to work through NGOs, as I said before.

**CHAIR**—But they are supposed to be working through South Australia's contacts. Aren't they doing that?

**Mr Telfer**—No, they are not, in simple terms. South Australia deals with many countries. Queensland has been writing letters to agencies in India. Of course, just a cold letter to a place like India brings a negative response.

**CHAIR**—They only write letters, do they?

**Mr Telfer**—Yes. At this stage, no-one from the Queensland department has been to visit an Indian agency in India since I have been involved with adoptions in the last 10 years.

**Mr QUICK**—Do they visit any countries?

**CHAIR**—It does not seem so.

**Mr Telfer**—They visited Ethiopia at one point.

**Mrs Byerley**—And the Philippines. The year before last they were in the Philippines and they have been to Ethiopia and, I believe, possibly even Thailand. That is it.

**Mr QUICK**—So who visits—the secretary?

**Mrs Byerley**—The manager of the department here went. Apparently there are plans for the minister to go soon, but they are only plans, I have been told.

**Mrs IRWIN**—Do you see the report when they table it after they come back from their visits?

**Mrs Byerley**—No.

**Mr Telfer**—There is a secret service that operates here.

**Mr QUICK**—Considering the number of Taiwanese that reside in Queensland—I think there are more Taiwanese residing here than in any other state in Australia, and there are daily flights between Taipei, Brisbane and Cairns—one would assume that there would be excellent links—

**Mrs Byerley**—Yes, one would assume.

**Mr QUICK**—between the government department and the Taiwanese.

**Mrs Byerley**—It really does come down to the fact that, in their thinking and in the scheme of things, international adoption is such a small part—regarding the numbers involved and the votes involved—that it does not warrant sending someone over to these countries to build this. Even though international adoption is going to continue to increase because of infertility, it is becoming—

**CHAIR**—The interesting thing is that it has not increased.

**Mrs Byerley**—No, it has not.

**CHAIR**—Over 10 years it has not increased.

**Mrs Byerley**—It is the same fight. People who start this process get so worn down that they say, ‘I can’t do this. It’s too hard.’ I was going to bring the documents that we have just been through to do our second adoption.

**Mr QUICK**—What justification is there for a 100 per cent increase in the number of pages in the second document?

**Mrs Byerley**—They got a little bit from Ireland, a little bit from New South Wales and a bit from New Zealand. I said, ‘The same topic is being brought up over and over again,’ and they said, ‘Could you write down what you think has been asked a number of times,’ which I have not had a chance to do; I do not think that is my job to do. They said, ‘Yes, it was put together at the last minute.’ It was closed for two years in Queensland and the workbook was put together at the last minute. They have 587 couples who are supposed to work with that workbook that was put together at the last minute.

**Mr QUICK**—Did you have to do a second workbook?

**Mrs Byerley**—Yes. We had to do family trees, eco-charts and time pie charts.

**CHAIR**—You need an upper house here, don’t you?

**Mrs Byerley**—Yes.

**Mrs IRWIN**—I do not believe in the upper house!

**CHAIR**—Do you want to be like Queensland?

**Mrs IRWIN**—That is right! The upper house in New South Wales should be abolished. As a Labor member I should not be saying that, but my party knows my feelings. Following on from that, do the state government of Queensland or the Commonwealth government departments consult with your organisation?

**Mrs Byerley**—We consult with the department and with the latest minister, Mike Reynolds. We now have consultation. We have a quarterly meeting with the department. We have supposedly been sitting on the policy meetings since January to implement policy on how to work through the new system we have in Queensland. In seven months we have not even finalised one policy, which is the health policy. Some of the things that have been talked about regarding the BMI have been—

**Mr Telfer**—They are still talking about it.

**Mrs Byerley**—Yes. We will see the final draft on Monday. If your BMI is over 30 and you have four other health checks and they are fine, you will move straight through. They cannot stop you any more, as happened to Kathie. But it has taken them seven months to do one policy. As I said, I would have thought that how to work through the expression of interest is probably the biggest need and that has still not been done. That is the sort of negotiation we are doing with them.

**Mr Telfer**—They keep us in a constant state of dialogue to give us the illusion that we are being listened to.

**Mrs IRWIN**—You have been here for almost the whole day. You would have heard the comments from a number of people. We have heard—and it is also in some of the submissions that we have received—about the antiadoption stance in government agencies. Have you heard that or do you have any evidence of that?

**Mrs Byerley**—It is a feeling that is through the department. Some comments came through this week. They work on a calendar year for their numbers. They had to work very hard, because of the new system, to get 80-plus out of Queensland. They were doing their darnedest to get their numbers, which is great for us because we can now say, ‘Look what you are able to do.’ Someone last week phoned them and said, ‘As soon as my last document is there it will go.’ They replied, ‘No, it could still take another six weeks,’ et cetera. The client asked, ‘Why is that?’ and was told, ‘The financial year is over now. We’re on go-slow in here.’ A client was actually told that they were on go-slow.

Nothing is stated that would indicate that they are anti adoption but nothing is done to promote new programs, which they need. One of the ways they are going to clear Queensland’s numbers is to open new programs. Otherwise, by just sending files over, they are putting their problem onto these six countries that we are dealing with. Some of them cannot keep taking files, some can. We are basically putting the problem onto these overseas countries—unless they get some new programs opened and there are programs out there to be opened. I suppose it is this



controlling attitude of saying to people: 'Just wait. We'll get to you when we are good and ready. So stop ringing, stop hassling us—you'll get through.' These children do not have that time. They do not have the luxury of time, because they will reach the age where they will not be adopted and they will be left in institutions for the rest of their lives. It is not fair.

**Ms KATE ELLIS**—On the issue of the increased paperwork and the feedback that you think that is slowing down the system overseas: have you had that directly from overseas?

**Mrs Byerley**—No. This is just a concern of mine and one I have heard from talking to other people. This increased information has been sent but no-one has bothered to actually look into it and ask: 'Is this a problem—that we have increased the amount of information we have sent to you?' The answer might be: 'Yes, we think it is great—bring it on. We can handle that extra information,' or it might be, 'No.' But the department here are too scared to even ask the question of the Philippines.

**Mr Telfer**—I made the comment to Sharon that I do not actually believe they even read it when it gets there. They look for the recommendation to see what it says.

**CHAIR**—You would think it would be possible to work out, through a COAG meeting, what is best practice for the gathering of information and then get it to its most economic and efficient state by discussing and looking at what the other states do—

**Mr Telfer**—You would think so.

**CHAIR**—And then having a universal way of dealing with it. You would think that would be sensible, wouldn't you?

**Mrs Byerley**—And that if a country picks up a file, whether from Tasmania or the Northern Territory or Queensland, they know that it is going to contain A, B, C, D and E.

**CHAIR**—And it would be an Australian form.

**Mrs Byerley**—Exactly. And they can find it quickly and efficiently. They can find out exactly what they want to find out very quickly and move it through. But it does not happen.

**Mr QUICK**—An attachment to the Queensland government's submission, *Expressions of interest information booklet: Intercountry Adoption*, in section 4, under 'Overseas country eligibility requirements', states:

In some instances, eligibility criteria specified by adoption authorities in overseas countries are more restrictive than those prescribed in Queensland legislation.

I would like to know which countries they might be.

**Mr Telfer**—Could you repeat that please?

**Mr QUICK**—It states:

In some instances, eligibility criteria specified by adoption authorities in overseas countries are more restrictive than those prescribed in Queensland legislation.

I would have thought that Queensland's legislation would have been the most prescriptive. Do you have any idea which countries might—

**Mr Telfer**—I think that they are picking a piece out of this one, another piece from that one and another piece from that one, and then putting them all together and saying, 'See—they are all more restrictive.' Whereas in Korea, for example—and correct me if I am wrong—you cannot go past the age of 45 and you have to live on lettuce leaves if you are a bit on the big side. But then you take that out and put it alongside another country's restriction on a different thing and then put them all together—

**Mrs Byerley**—But couples choose their country knowing the criteria of each of the countries. So, if that is a concern, they know that that is possibly not the country for them to go for. So they make all those decisions before they start.

**CHAIR**—That statement is perfectly true if you take into account a country like Romania, which is a Hague country and one where we used to have adoption programs. Now that has been closed to us because the Romanian government has passed legislation this year which restricts international adoptions to grandparents living overseas. Take Latvia, for instance; it will only allow adoptions to Latvian people living overseas. That is far more restrictive, but it is a meaningless statement.

**Mr Telfer**—Yes, and I think that is the type of thing that you are having quoted to you.

**Mr QUICK**—Is also interesting to read Mike Reynolds' ministerial media statement. I quote from the statement:

Mr Reynolds said he welcomed 'long overdue' national attention to the issue of intercountry adoption but felt it was of utmost importance that the debate be conducted in a culturally respectful manner when discussing the number of overseas children being adopted by Australian families.

**Mr Telfer**—What does he mean?

**Mr QUICK**—Is there an assumption that the families have not acted in a—

**Mr Telfer**—I do not think he really knows what that statement means.

**Mr QUICK**—The statement goes on to say:

"Each and every one of these countries demands the highest level of integrity from our Australian adoption programs and expects us to have rigorously screened prospective adoptive parents before sending files overseas. "It takes time to conduct thorough assessments but we are talking about the lives of children here and I don't think we should be cutting corners.

**CHAIR**—Nobody is suggesting we should.

**Mrs Byerley**—Exactly. The adoption community is all for the education, the screening and the four visits by the social worker to make sure we work through every single issue before this happens—but it is going to the other extreme.

**Mr Telfer**—They are making it so laborious that even our most experienced social workers are saying, ‘I can get work elsewhere.’ That is a serious concern to me. They are being treated with contempt by the department’s processing, after it goes through them.

**Mr QUICK**—I applied to work in a child-care centre. I had to get a police check, and that was good for four years. So one would assume that, if you apply for intercountry adoption and get a police check, a couple of years later you would not have to go through the police check again. All that is doing is creating a bureaucratic—

**Mr Telfer**—Can I just tell you a little story. We had our file in India, we had allocation, our children had gone through the courts, we were waiting for their visa and then we were required to go through re-eligibility because, under Queensland law, you have to maintain eligibility. So the department says, ‘That means it’s now two years since you did it last time; you must do re-eligibility.’ I said, ‘Don’t be silly; this is nonsense.’ The children had passed through the courts and we were simply waiting for their passports and their visas. They demanded that be done. I said ‘No, we are travelling to India shortly; we don’t have time,’ so they withdrew authorisation with DIMIA for the visa to be issued. They wrote to them telling them that, under Queensland law, they must redo eligibility every two years—which was a lie because, as I just said, Queensland law says ‘maintain eligibility’.

When I got to India after this had all gone through, the dear old soul who runs the Indian program in Calcutta on a voluntary basis said: ‘I got a terrible shock. I thought it looked like you were getting the children illegally.’ She knew us. I sent her a fax explaining that I did not think it would be a problem and I went on to talk about our travel arrangements as though nothing had happened, to calm her down.

These people do not care about children. Had that lady not known us, had that got to the courts in Calcutta and had that got to CARA, they could have jammed the lid on the whole adoption under the fear that something illegal was being done. That is a very sad situation. These people are more concerned about power than they are about children.

**CHAIR**—Are we hearing that there is a philosophy that says children should remain in their country of origin?

**Mr Telfer**—That philosophy is around. I do not know whether that is the philosophy of the current administration of the department. When I started in the 1990s that was certainly the attitude—and saying, ‘You should be supporting them financially to be fed over there.’ Again, the policies of that era are impacting on the current time. There are a few things I want to raise.

**CHAIR**—Very quickly. We are running behind time now, so if you could perhaps make a concluding statement.

**Mr Telfer**—In India custody is granted to us as the parents by the Indian courts. They were shocked to learn that we were granted an interim order and that the authority of the Indian courts

was being superseded. We are concerned about the ability of people to adopt older children. We did get older children through, but only just. The other thing is that I believe that we should be able to adopt from non-Hague countries. I note that a large number of non-resident adoptions are from non-Hague countries, and DIMIA has ways of checking whether that is legal. Government-to-government agreements are not really necessary where there is a system in place in the country for that adoption to be a legal adoption. The only thing that is needed is that a child be legally available for adoption and that there be a legal system for processing that adoption. The only other thing I want to make a comment about is that I questioned the department here about adoption breakdown. We have all been hearing about child protection. That is where children go when there is adoption breakdown in Queensland.

**CHAIR**—Are there many?

**Mr Telfer**—I do not think there are many. Others may know a bit more than me. I think there have been one or two in the last few years.

**CHAIR**—Thank you for your testimony today. It has been very helpful to our inquiry.

[3.56 pm]

**NIELSEN, Mr Stephen Patrick, Private capacity**

**NIELSEN, Mrs Louise Mary, Private capacity**

**CHAIR**—Welcome. Do you have anything to add about the capacity in which you are appearing?

**Mr Nielsen**—I am appearing as an adoptive parent.

**Mrs Nielsen**—I am also appearing as an adoptive parent.

*Witnesses were then sworn or affirmed—*

**CHAIR**—Would you like to make an opening statement?

**Mr Nielsen**—Yes. As you may have gathered from our submission, Louise and I were over the moon to add to our family in 2002 through our adoption of Max from South Korea. The process took a long time. You have probably heard about the process that we have here in Queensland. Notwithstanding the process, we really were overjoyed—so much so that we have just gone through the whole thing again, and we now have an approved file in Korea and are awaiting the allocation of another child. We are going through the whole process under the new regime that has come through in the last 12 months or so, with the Department of Child Safety in Queensland.

In my capacity as the secretary of the Australian Korean Friendship Group, which is a support group that you would have heard from earlier today, I felt a need, through the people whom we have spoken to and the couples who have gone through the process with us, to put a submission together to highlight some of the inconsistencies that we faced through the process. I guess a lot of the stuff that we will talk about this afternoon is not new. You would probably have heard already from a number of witnesses. Notwithstanding that, my wife and I felt that, to add personal impact to the proceedings today, we would like to have the opportunity to address those things with you.

We feel that adoption is an overwhelmingly positive way to enhance the society that we live in. We see the reaction of people when they see our blended family. They say, ‘Gee, you must have really wanted to do this.’ It is pretty well known that going through the adoption process in Queensland is not easy or straightforward. It is probably a little repetitive for us at times when we get the comment: ‘It’s great to see what you are doing for these kids when you adopt them from another country.’

**Mrs Nielsen**—They say, ‘Aren’t they lucky?’

**Mr Nielsen**—We are the lucky ones—we really are the lucky ones. We felt in taking on committee responsibilities and taking a higher profile within the adoption community for the last

few years that we might be able to get that message out there and emphasise the fact that we are the ones that are fortunate and that it really is in the nation's best interests to promote and embrace adoption, particularly intercountry adoption, to add to the diversity of culture.

We really enjoy our interaction with the Korean community through our adoption. We go along to a number of functions with the Korean Society of Queensland and are welcomed with open arms. There was a time—speaking on the Korean side of things for a minute—when people that adopted children from South Korea were seen as somehow removing children from their culture. The overwhelming reaction now from Korean people is one of shame that they do not have the ability or the capacity to have all of the children placed within their country. Within the department in Korea that facilitates intercountry adoption, Eastern Social Welfare, there is a philosophy that children should only go if a domestic placement is not possible and to countries that have a multicultural reputation. People from all over the world can come to Australia, be accepted, live and have their original culture respected and taken into consideration.

We felt very compelled and attracted to that type of philosophy and we now have a great deal of respect and love for Korean culture having travelled there a couple of times and, hopefully, without any further delay we will be going there again shortly. We felt really comfortable with the program in Korea. What brings us here today is that we are so comfortable with the journey that we have been on and so positive about the future that we have with our kids, having witnessed children that have grown up and surprisingly enough turned out to be well-adjusted, positive and capable members of society as a result of adoption, that we wanted to share our experiences and possibly highlight a few of the inconsistencies that may not have already been mentioned today.

**Mrs Nielsen**—I think, as Steve said, it is something that we have gone through together. There are all of the positives that Steve has talked about such as what it has brought to our family, trying to hold on to Max's culture as much as possible and bringing him up with an understanding of where he has come from. One of the big negatives that we have felt right from the time we first applied to adopt is that—I cannot generalise because it is definitely not everybody within the department—there is a certain element and always has been that does not necessarily agree with intercountry adoption. You can only say it is an undercurrent. No-one says it outright, but there is quite often a feeling that some of these people do not think we should be adopting. There has been a big emphasis on the negative, on all the things that could go wrong and on the fact that you are taking a child away from the country where they were born and that kind of thing. It is sad to think that these people are supposed to be supporting us through this whole process when I am not sure they believe it should be happening in the first place.

**Mrs IRWIN**—What you have just stated has been said today and in a number of the submissions that we have received to date. On the first page of your submission, you state:

Despite visits to Korea by other Australian agencies, our department has never been, and seems unwilling to undertake a trip to familiarise itself with the country and processes. Our support group has offered to part fund the trip given the drain on departmental resources for the other side of its responsibilities ...

Did you have any response to that request?

**Mr Nielsen**—With intercountry adoptions, as you might be aware, each state would be the lead state for a particular program. At this point, DOCS in New South Wales is a lead state for the Korean program. Our department feels that all liaison with Eastern Social Welfare should be done through the lead organisation, notwithstanding the fact that our department is dealing with files as they progress through the approval process here and then go over to Korea. From time to time, there are communication breakdowns, as there are obviously with countries that do not have English as their main language.

We felt that it would be of benefit and it would be a very positive experience for representatives of our department to actually meet the people who we see and to get the same story as our adoptive families when they travel to Korea and sit down with Dr Kim and his son, who run Eastern Social Welfare, just as people from all over the United States go to Eastern Social Welfare. There have been visits from other states to Eastern Social Welfare. I believe that representatives of our state department have visited an Ethiopian program because they were in Africa on the way back from a holiday in Mauritius. The opportunity was there so they did that. They recently attended a conference in the Philippines but there has never been a visit—

**Mrs Nielsen**—We were told three years ago that it was going to happen, but it never has. It is interesting that we are told here that, ‘That’s just not possible’ or ‘We can’t do that’ or ‘Eastern doesn’t like it,’ but when you go over there and talk to the social workers at Eastern or you talk to Dr Kim you get a completely different message. Our staff here in the department would not know because they have never spoken to these people. They have never been there. They have never seen the place. They just do not know. We are being told different things over there.

**Mr Nielsen**—We have heard a little bit about the inconsistencies and the fact that Minister Mike Reynolds wants to be very conscious of the cultural sensitivities of dealing with foreign adoption agencies. The department has a perception, which might be five years old, of how things have been, which they have developed through third-party feedback from couples who have gone and come back. A classic example is from Korea. They have sent a note that first-timers are unable to nominate a preference for the sex of their child when in fact we understand that what is happening with the major adoption agency that handles intercountry adoptions with Korea in the United States, Dillon, is that they do not have the choice upfront but with the second child they can nominate a preference. It is not asking Eastern to allocate only a boy or a girl; it is to nominate that there is a preference there.

**Mrs Nielsen**—When people ask why that is so, the message we get here is that it is culturally insensitive. That is what we were told. It is culturally insensitive to put it in your request. Yet when we were over there picking up Max, the social worker who was responsible for matching said, as we were leaving, ‘Next time you come back, you ask us for a girl’.

**Mr QUICK**—Does the Korean embassy here play a role in getting rid of some of these furbies?

**Mrs Nielsen**—As far as I am aware, the Korean embassy here has nothing to do with anything.

**Mr Nielsen**—No. The program is basically between the government and Eastern Social Welfare.

**Mr QUICK**—You have a Korean day, which the chair is going to be part of. I assume that some of the ambassadors or representatives from the various countries would be there as part of the process.

**Mrs Nielsen**—I do not know that they have ever been invited. Sharon, we have never had anyone from the embassies come to international day, have we?

**Mrs Byerley**—No.

**Mr QUICK**—Just Australian politicians and not—

**Mr Nielsen**—And not the foreign embassy staff.

**Mrs Nielsen**—It is probably something we should think about.

**Mr QUICK**—Is that culturally insensitive!

**Mrs Nielsen**—We had better check. We will get back to you.

**Mr QUICK**—In many regards, I think it would be a good move to use the embassies and consuls-general around the place. If they are seen to be there, and if everyone is playing happy families, the state government might realise there is a bushfire there—that lots of people are to be seen there too—rather than saying it is not really interested in the issue.

**Ms KATE ELLIS**—I noticed that you have raised in your submission an issue which we think might be unique to Queensland, which is that you cannot openly speak about the process you went through.

**Mr Nielsen**—It is all a big secret—in case somebody figures out that Max is adopted!

**Ms KATE ELLIS**—You also mentioned that that department is handing out videos of New South Wales couples telling about the process they went through. Has there ever been any explanation of why people are allowed to openly hear about the New South Wales process but not the Queensland process?

**Mr Nielsen**—It is because of old legislation. They promise it will change in the new legislation, which we have not seen yet. In the meantime, either last year or early this year a decision was made that the old legislation would be enforced. Up until that time, no-one had ever really worried about it. All of a sudden, this decision was made. When couples are allocated, they can no longer place a photo of their baby in our support group newsletters and that sort of thing. That is one thing I think most people feel very upset about because, when you are allocated a baby, all you want to do is show the world—and you are not allowed to do it. It is very upsetting. It is a very personal thing. You open the newspaper on a weekend and see those beautiful baby photos in the birth notices. We know that we cannot do that. It is something we feel very strongly about. Hopefully, that will change.

**Mr QUICK**—Would it pay for someone to do an antidiscrimination test case?



**Mr Nielsen**—We are all hoping that, when the new legislation comes through, it will change and we will not have to go to that extent. In the meantime, I do not think anyone is quite game to push it too hard. There is always an element of fear that, if you rock the boat too much, things could slow down, be held up or be made a little more difficult, so people are frightened to come forward and give things a try.

**Mr QUICK**—We heard from the previous witness that the second application was even more hopeless than the first one and they had to put double the amount of work into it. Was it the same for you?

**Mr Nielsen**—Yes. New workbooks have come out with the new education process. We have completed a 40-page workbook as well as the family profiles we had to write. We had a different social worker appointed for the second assessment—the first one had left. Because she was new, instead of doing four assessment interviews, we had to do an extra one at the beginning so that we could get to know each other—instead of four assessment interviews, we had to do five. It was a much more longwinded process. Some of the questions in the workbooks were downright ridiculous. We had to answer 50 questions about the question we were adopting from. There were questions such as: how much does it cost to have a haircut there?

**Mrs Nielsen**—They were cultural questions. Really important things!

**Mr Nielsen**—They were absolutely bizarre questions. We had to complete a pie chart, explaining how we were going to manage our time after bringing another baby home. When I said that I felt I could not do that—because, already having two children, I know that no two days are the same and I cannot say what is going to happen—I was questioned on my refusal to complete the workbook. Some of it was really quite strange, patronising and ridiculous.

**Mr QUICK**—Culturally insensitive!

**Mrs Nielsen**—Yes.

**Mr Nielsen**—We know a lot about Korea. We have been there a couple of times and I gave the answers to their questions in Korean, so that might have told them a little bit. Maybe I am a troublemaker, but it was—

**ACTING CHAIR (Mrs Irwin)**—It is probably going to cost the Queensland government money now to get it translated back into English.

**Mr Nielsen**—It was cobbled together. It was very clear. As Sharon mentioned earlier, it really appeared that it was cobbled together. It was a bit from here and a bit from there and was put together at the last minute. It encouraged people to read readings from a number of different texts. One of the textbooks that you may have heard of is a pleasant little book called *Parenting the hurt child*, which basically promotes, I guess, everything that can go wrong with adoption and nothing really about the positive life-enriching aspects of it. Once again, within that book there are case studies that talk about those first times in the first 12 months and also how children had come into families that, in terms of current Queensland legislation, should not be allowed to be discussed openly. So it was very interesting to see that.

**ACTING CHAIR**—If you were in our position and you had the opportunity of writing legislation or putting recommendations to government, knowing what you have gone through and the cost factor, what changes would you like to see made from a state and a federal perspective?

**Mrs Nielsen**—I would like to see a more national approach. Given that we are dealing country to country it seems very odd that it is a state-to-country kind of set-up. We would really like to see a more proactive approach to looking for new programs, as some programs reduce over the years. Ideally that is what should be happening in these countries where things are improving and children can be adopted locally. By all means keep them there, but there are plenty more children in other countries still in need of families, so we would like to see a much more proactive approach to that. We would like to see some sort of financial help for families. We are in the fortunate position of being able to afford to go through another adoption, but there are plenty of people who would like to extend their families further or would like to adopt and cannot do it the first time. So whether it be tax breaks or something else to help people—

**ACTING CHAIR**—I have noticed that in his submission to this inquiry the minister stated in his letter that he would like the federal government to look at tax credits. So that is something.

**Mr Nielsen**—Bill Clinton introduced a tax credit in 1996 in the United States. It was a \$5,000 tax credit and that has subsequently been increased in the interim period. It has been embraced and supported by the Republicans, which is very interesting and is a rare glimpse of a bipartisan approach to this issue. It is really refreshing to see that and it is an overall celebration of adoption as being a culture-enhancing event.

**ACTING CHAIR**—So you agree with something like that—you would like to see tax credits? I think that is what is happening in Canada as well.

**Mr Nielsen**—In Canada as well, yes.

**Mrs Nielsen**—I also think it would be worth looking at licensing other agencies. I know that in some states it is starting to happen. It is all over the place. South Australia has lost theirs and it is a mess.

**Mr Nielsen**—There is no consistent approach to that.

**Mrs Nielsen**—It would be worth looking to have outside agencies taking on some of the assessment process, because obviously our government departments simply cannot handle what is going on. They cannot keep up with it. If they could outsource some of that to some licensed agencies, that would be a really positive thing.

**Mr Nielsen**—There just seems to be a disconnection. When we have talked about new programs, for instance, with the state government, we have been told that bringing on new programs is a federal responsibility. We have suggested a couple of programs in South Africa that I believe are now under consideration.

**Mrs IRWIN**—Could you tell us a bit about these programs that you might have said to the state government, ‘Can we implement these,’ and they said, ‘No, it is federal’? Can you give us an example?

**Mrs Nielsen**—South Africa was one.

**Mr Nielsen**—South Africa was one of the countries and I believe that is now—

**Mrs Nielsen**—Steve spoke to a lady who was—

**Mr Nielsen**—We had a fair bit to do on local issues with Minister Hardgrave, who used to be our federal member. The boundaries have seen been reallocated and unfortunately he is no longer our member. He introduced me to a lady that he met in Canberra who has a relationship with an orphanage and hospital in South Africa, about establishing a program between Australia and South Africa for intercountry adoptions. We took that information to the state government, and we were basically told that the discussion needs to be at a federal level to form that arrangement. We exchanged a lot of useful information, and hopefully that has added to the weight of getting this program on board.

**CHAIR**—I am advised that a program for South Africa is in development and that Tasmania is the lead state.

**Mr Nielsen**—We have very good friends with whom we went to Korea the first time when they were adopting their child. They are now living in Tasmania as a result of some concerns that the list was not going to open quickly enough, and they were accepted with open arms to go down to Tasmania and apply under their quota.

**CHAIR**—Has anybody had experience with parents who have chosen to go overseas and live in a country—for 12 months or more, I presume—and adopt a child in that country and then bring that child back? Is anyone familiar with that? Hansard cannot pick up the responses around the room, so I will just indicate that people around the room who have previously given evidence have indicated that they have known people who have done that. Perhaps if you can indicate if it was successful. Yes. Thank you.

**Mr QUICK**—Are there any other recommendations that you think we should contemplate?

**Mr Nielsen**—Consultation is probably one of the major ones. There is a wealth of experience out there, and if you look at the breadth of experience across the country, with people having different experiences with different government agencies and private agencies, there is a lot of best practice that can be extracted from those experiences and put into a new model. So I would be encouraging that those experiences be harnessed.

**Mrs Nielsen**—We would also like to see much further development of postadoption services. I do not know what other states are like, but here in Queensland once your final adoption order is made, there is really nothing. If you are having difficulties with a child or something like that, you have to seek help yourself. That is where the support groups will help each other out. But, as far as the government is concerned, it is pretty much over once the final adoption order is made. Even while Max was under an interim order, we brought him home and he had a few relatively

minor health problems. We were having trouble getting in to see the specialist that we needed—that is another story—

**Mrs IRWIN**—Is that because he did not have a health card?

**Mrs Nielsen**—No, as a private patient. There was a very long waiting list and we were having a lot of difficulties with him, and it all went into our postplacement reports when our social worker came out to see us. We got lots of sympathy from her, but at no time did anybody come to us and say: ‘How is it going? We realise there is a problem.’ We had to seek out all our help on our own. I find it really interesting that, up until the day you are allocated, they want to know everything about you. There is nothing they did not know about us. But, as soon as we brought that baby home, it was ‘okay, off you go’. There was absolutely no help with the settling-in process or anything—except the little bits of advice we were able to get from our social worker in our postplacement interviews. Everything else we did we had to seek out on our own. As parents, we do not have a problem with that. That is exactly what we have done with our biological child. We have sought help for any problems. I just find it really interesting that it is all or nothing. Definitely we would like to see more help with postadoption services.

**CHAIR**—You have a blended family, as you have described it, because you have a biological child and now you have Max. Was that a deliberate choice?

**Mrs Nielsen**—Yes and no. We had considered adoption anyway. We thought we would have two children and then decide, but the second child did not come. So it brought our decision forward a little bit, and it was the best decision we have ever made—obviously, since we are doing it all over again.

**Mrs IRWIN**—Is there any indication how long it might be now?

**Mrs Nielsen**—Any day. We are just waiting for the phone to ring. It could be today; it could be in six months time. We do not know.

**Mrs IRWIN**—Do you know the sex of the child?

**Mrs Nielsen**—No, it will be a surprise.

**Mrs IRWIN**—It is like giving birth; sometimes you do not know.

**Mr Nielsen**—We are in one sense not advocates of being able to express a preference because in real life it is not practical. Whatever happens will be for the right reasons, and we have had perfect experience already that you get the child that fits.

**Mrs IRWIN**—In the submission that you put in you stated that Medicare subsidises childbirth and IVF but there is nothing for adoptive parents.

**Mrs Nielsen**—Exactly. We did fertility treatment, we were on that treadmill, and we got all the help in the world. I gave birth as a private patient, but it was heavily subsidised by Medicare. There is very little assistance for adoption. There is a big difference.

**CHAIR**—But you are a successful statistic in the IVF figures.

**Mrs Nielsen**—No. We had no luck.

**CHAIR**—So it was post—

**Mrs Nielsen**—Yes, after Connor.

**Mr QUICK**—Does every state have the same 260-page workbook?

**Mrs Nielsen**—Not that I am aware of. It is a new thing in Queensland. It has only just been introduced. We were in the guinea pig group.

**Mr Nielsen**—I think the size of it was because the exercises from one source were felt to be pretty compelling so they all had to go in and then they thought, ‘Gee, we need to cover this point so we’d better get another set of exercises from somewhere else.’ By the time it all went together it was a large document.

**Mrs Nielsen**—Almost everything in it was covered in the family profile that everyone has always written anyway. So a lot of it was stuff that was already being covered.

**Mr QUICK**—It would be good to get a copy of every state’s family book just to compare and contrast.

**Mr Nielsen**—It would be very interesting to see that process. Our social worker had five interviews with us this time, as Louise mentioned. In the last interview, she said: ‘There are a few things that we didn’t cover but I’ve got your report from last time. Do you mind terribly if I cut and paste out of your old report to fill in the gaps?’

**Mr Nielsen**—I said no.

**Mrs Nielsen**—She said, ‘I don’t need to cover this again.’ We said: ‘It was lovely spending the last 14 hours with you. You’re a very nice person and it’s been delightful, but was it really necessary?’ She said, ‘No, we could’ve covered it in less time but I have to spend this time with you.’

**Mr Nielsen**—There is a contract for social workers and there is a certain delivery under the contract. For people that have the same social worker as their first time it is four interviews. For people who have a new social worker it is five interviews with a certain period of time between each interview. The report then has to be delivered by a certain date. There are performance standards built into the contract that have to be enforced so that people get paid for doing what they do.

**Mrs Nielsen**—I do not have any problem with sitting down and spending that time with the social worker. The five interviews is a bit of a drag and it does seem ridiculous to have to do more than we did the first time around. But I do not have a problem with them being rigorous in the assessment process. I found the workbook utterly ridiculous. The assessment process and even writing the profiles and things were no problem. It is a bit of a drag, but they need to know

that we are ready to do this, we can cope, we have the skills, our marriage is sound and all of that. I have no problem with them checking us very carefully. But I did find the workbook particularly an insult to our intelligence.

**Mrs IRWIN**—You do not know of other states who have workbooks.

**Mrs Nielsen**—No, not that I am aware of. As I said, it is a new thing. It was only introduced in Queensland last year after the expressions of interest opened.

**Mrs IRWIN**—Tell us the procedure you have to follow through a workbook. It is like a time and motion study, isn't it? Do you do it over so many days?

**Mrs Nielsen**—There is virtually an unlimited time to do it. It is given to you at the education day. You are given a couple of exercises to do ahead of time, thinking about your previous adoption. The first-timers have a different workbook. In our case there were a couple of things to do before we went. On the day we watched some videos from about 1975, had group discussions and filled in answers. Then there were another series of exercises to do at home. We had to do things like talk about our time management, our feelings about our last adoption, how our families had accepted our child and that kind of thing.

There was a lot of stuff on the emotional level as to our feelings about the adoption and there were a lot of things about our knowledge of child development, the expectations we had about our child's understanding of its adoption, how we were going to support them through any difficult times and that sort of thing. Some of it was quite relevant but a lot of it was really irrelevant. Most of the relevant things were already covered in the family profiles which everybody had to fill in anyway. As well, there was a series of articles to read—a huge book of articles, some of which were very good and some of which were not very good.

**Mr Nielsen**—In the required reading there were books in addition to the articles. There was almost a full book. They have photocopied chapters of certain books and then that 'book' goes on the reading list for you to read the rest of it as well.

**CHAIR**—There is a way to make a living: you get yourself appointed, you write a book, you are self-appointed to recommend the book and you up your sales.

**Mrs Nielsen**—I would recommend it to anyone.

**Mr Nielsen**—It sounds like a lot of university lecturers.

**Mrs IRWIN**—Are the four of you going over to Korea as a family?

**Mrs Nielsen**—Yes, with grandma and grandpa as well.

**Mrs IRWIN**—That is lovely. Max and Connor, do you want a baby brother or a baby sister? Have you been fighting over any names?

**Connor Nielsen**—A brother or sister.

**Mrs Nielsen**—Max is saying, ‘A baby sister with a bow in her hair, please.’

**CHAIR**—Connor, how do you like having a lovely brother called Max?

**Connor Nielsen**—I love it.

**CHAIR**—Are you looking forward to having another brother or sister?

**Connor Nielsen**—Yes.

**Mrs IRWIN**—And you would be looking forward to the holidays as well?

**Mr Nielsen**—Travelling over in the plane is the big attraction.

**Mrs Nielsen**—It is the plane trip that we are looking forward to.

**CHAIR**—As there are no further questions, thank you very much for coming and giving us the benefit of your testimony today. It has been most useful in developing a picture for us as to the recommendations we might make.

[4.37 pm]

**CHAIR**—I invite members of the audience to make a brief statement.

**TANIA**—My name is Tania. I am one of the people in Queensland who is impacted by the current state of the rules and regulations in Queensland. My partner and I are de factos. It is obvious—we cannot adopt in Queensland. We have been de factos for 19 years. We are currently investigating which state to move to. We are ‘state shopping’, I suppose you could call it. It is a really hard decision to make because your family and friends are an incredibly important support network when going through a process like this. So for us to make the decision to pack up and move away from our support network to go through the adoption process is a big one. Because it is such a big decision for us—the situation in Queensland has been this way for a long while—we have continued on with fertility treatment longer than probably is wise, but just because I have had to get my head around the idea that I am going to have to pack and move away. But we have given ourselves a time limit—1 July next year. So now it is just a process of working out whether we want to move to Tweed Heads or to a state that has a shorter process or a cheaper process. It is really quite difficult to work out how we are going to do this. We have only just recently started thinking it through, a couple of weeks ago. We finally decided that we have to do this.

It is the strangest thing to have been in a relationship, effectively a marriage, for 19 years—more married than most people I know; if you knew us, you would think so too—and to come up against this wall that does not recognise us as a couple. It is the first time I have ever encountered a situation where we have been treated so completely differently to a normal married couple. It is probably the first instance of true discrimination as de factos that I have encountered, to be truthful.

**CHAIR**—Is there some reason why—

**TANIA**—Why we are not married?

**CHAIR**—Yes.

**Tania**—As I said, it has never really been an issue for us. We have never encountered a situation where we have had to be married. Sure, a lot of people would have liked us to get married. I guess it has never come up for us, really. Initially we did not because I was 19 and he was 20, and it did not seem to be a sensible thing to marry immediately after only knowing each other for a couple of months. Then we fell into a period of enjoying being together and travelling and all that sort of stuff.

Marriage did not seem particularly important to us then. We knew we loved each other and we knew we were together for life. So marriage has never been an issue for us; it might have been an issue for my mother but we do what we want to do and as a couple we make decisions together. We have always travelled together like that. So I am sorry, Mum, but this is what we wanted to do. I did not want to spend the money on marriage; I wanted to spend the money on a mortgage or whatever. But now I find myself in a situation where I wonder whether I made the



right decision way back then. I have never wondered about that before; I have never had to question my decision to be with him the way we are. It is really quite odd.

**CHAIR**—So, you have decided that the less traumatic thing is to move rather than to reconsider that other option?

**Tania**—No; we are planning on going to the registry office soon and formalising it but that would still mean we would have to wait three years.

**CHAIR**—Because you cannot get on the list?

**Tania**—That is right. Then after the three years were up I could wait for the expression of interest to open again, and that could be another two years.

**CHAIR**—You could be 105 and still waiting.

**Tania**—That is right. And once I have my name on the expression of interest list it could be another two years after that. So I could be waiting seven years, and I do not think I could cope.

**CHAIR**—It is a long gestation period.

**Tania**—You asked why people do not rock the boat and test the waters. There is no order in the current expression of interest scenario where you put your name down and there are hundreds of submissions—it is quite arbitrary. I have a girlfriend—a very dear friend—who is going through the process at the moment. Her name is in amongst those hundreds and she is scared to death of rocking the boat in case her name gets pushed back, because the list is so arbitrary.

I will give you an example of what she has been prepared to do to get her name bumped up the list. She rang the department to find out when they were going to open the doors again on the expression of interest. They said it would be 18 months. She called them six months later and said, 'How's it going?' They said, 'It's still another 18 months.' So she called them six months after that and they said it would be 18 months. She said, 'Ah!' and had a breakdown. They said, 'In the meanwhile, to get ready you can do some volunteer work in a day care centre or do Korean language classes'—or do this or do that. In effect, they were saying that you have to be prepared to do things to have your name bumped up the list. So she said, 'Okay, I'll do that; I will get a blue card and become a volunteer at a day care centre.' She is also now doing cross-cultural exchange with different students. She is studying foreign languages; she is doing a university degree. She said to me: 'You know, Tania, I am effectively doing a PhD in adoption. My whole life is spent studying and meeting people.' It is her entire life.

**Mr QUICK**—It must put enormous strain on the relationship.

**Tania**—I said to my partner, Sean, 'You wonder what sort of person you will be when you come out of it,' because it is such a gruelling process. It is almost as if you may come out shell shocked at the end of it. I have watched this girlfriend, who is going through the mill at the moment, change.

**CHAIR**—It almost becomes addictive, doesn't it?

**Tania**—That is right. It is almost an obsession. But having seen her go through that, and having attended the intercountry adoption day last year, I still think it is worth it. I almost feel like a gladiator. I can see all of the blocks in front of me and they will not stop me; I will get past them. Okay, I am not married; too bad, I am going to move. I think a lot of people feel that way. And a lot of people wonder why people do it. It is just a shame that it has to be that way and it is a shame that you have to be put through the mill to this degree to get to the end of it.

I do not think it is necessary. I understand that people have to be vetted and I do not think that process should be altered at all but I wish people did not have to be put through the mill to get to the end of it. I am at the beginning of it and I feel that way. Come to talk to me afterwards and see whether I am still okay and whether I got to the end of it. That is how my friend feels at the moment, because at every step of the way there are blockers. It is a very negative process, which is so unfortunate, because it is such a positive thing in the end. But getting to the end of it is such an incredibly negative process.

There are so many stumbling blocks that you can accidentally stumble over, such as saying the wrong word to your social worker, or not having the right form filled in, or picking a program that suddenly ends that you did not expect to end. For example, a friend of mine is adopted. She has recently discovered, from talking to other people, that some social workers have issues with adopted people adopting. And it is quite arbitrary because social workers are people and they have their own agendas. So she has been working through that, trying to find out exactly what being an adopted person in the process of adopting means. It is challenging.

**CHAIR**—Nothing; you are a human being.

**Tania**—Well, apparently not. Apparently, you are a different human being. I have talked too much. I just want to say that what you are doing today—

**Mrs IRWIN**—You have been with your partner for—

**Tania**—Nineteen years.

**Mrs IRWIN**—In a de facto relationship—a happy, loving relationship?

**Tania**—Absolutely.

**Mrs IRWIN**—But you are now looking at getting married solely so that you can be accepted for an overseas adoption.

**Tania**—Yes. And do you know what? I wish I had just popped down to the registry office years ago, I really do. If I had known it was going to be this much heartache, I would have. But, like I said, when you are buying a house together or in any other situation as a couple, you are treated as a couple. In this situation—only in Queensland—you are not.

**Mrs IRWIN**—Hence the number of people moving to Tweed Heads—

**Tania**—Absolutely.

**Mrs IRWIN**—commuting up here each day.

**CHAIR**—Thank you for that. We are grateful to you, Tania.

**Mr QUICK**—All the best.

**CHAIR**—Best of luck. And don't forget to ask your mum to the registry office! We wish you every success.

Resolved (on motion by **Mr Quick**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

**CHAIR**—I thank everybody for their attendance.

**Committee adjourned at 4.47 pm**