



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Reference: Adoption of children from overseas

WEDNESDAY, 3 AUGUST 2005

MELBOURNE

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:
<http://parlinfoweb.aph.gov.au>

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Wednesday, 3 August 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, Mr Cadman, Ms Kate Ellis, Ms George, 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.

WITNESSES

BOTTRELL, Tobias Neil, Private capacity.....	45
CARLSON, Mrs Wendy Margret, President, Han-Ho Kids Club Inc.....	15
CHANDLER, Mrs Glenys, President, Australian Society for Intercountry Aid to Children, Victoria.....	15
GREENOUGH, Mrs Frances, Private capacity	29
MICHAELSON, Mrs Jenny Anne, Private capacity	29
NAGESH, Mrs Marilyn Loris, India Program Coordinator, Intercountry Adoption Resource Network.....	29
SCOWCROFT, Ms Gail Annette, Membership Coordinator and Immediate Past President, Intercountry Adoption Resource Network	15
WILSON, Ms Jacqui, Past President, Intercountry Adoption Resource Network Australia Inc.....	15

Committee met at 12.43 pm

CHAIR (Mrs Bronwyn Bishop)—I declare open this public hearing of the House of Representatives Standing Committee on Family and Human Services for its inquiry into the adoption of children from overseas. The committee has received over 200 submissions for the inquiry, which presented the committee with many complex and technical issues. Although adoption numbers have declined from a generation ago, adoption touches many people in the community. Last month, I gave a media interview to an Adelaide radio station, where the presenter declared on air that she herself was adopted.

We will be hearing today from Victoria's key international adoption groups and a number of adoptive parents. The hearing will open with a community statement session. Members of the public, regardless of whether or not they have given a submission, are most welcome to inform the committee about how international adoption has affected them. You do not need to be experts—all are welcome. We only require you to give your first name to the committee, but if you wish to give your full name and you do represent an organisation, that is fine as well.

Some of you in the audience may wish to know what involvement the Victorian state government will be having in this inquiry. The committee recently received the Victorian government's submission from the Premier, the Hon. Steve Bracks. That submission has been posted on the committee's web site.

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 the transcripts, please ask any of the committee staff here at the hearing.

I now ask people who want to be part of this community forum, which is a new segment we have introduced into our hearings, to come forward.

Jamie—I am here representing myself, but hopefully I am here for the benefit of all would-be adoptive parents. I would like to commend all would-be adoptive parents and adoptive parents in this room for taking the time to come here.

It is very important when we are reviewing the procedures for overseas adoption that the efforts of the government remain squarely focused on addressing the issues and difficulties experienced by would-be adoptive parents and that the government look toward how these people can be assisted in this complicated and arduous process, which takes a lot of time, effort, money and heartache.

This needs to be done without compromising the wellbeing of the children involved, of course. For this reason, it is imperative that this inquiry not be distracted by fundamentalist religious interests and hetero-normative family associations who would like to use this as a political platform to prohibit gay and lesbian persons from overseas adoption. The fact of the matter is that none of the countries with which Australia has signed adoption treaties allow gays and lesbians to adopt—period. Therefore, legislation that would ban overseas same-sex adoption would be a total waste of time and taxpayer money. Efforts would be better directed at assisting those who can legally adopt from those countries.

Given that banning overseas same-sex adoption would not make any practical difference, the only motivation for implementing such a ban must be ideological. Such a ban would serve only to further enshrine discrimination against gays and lesbians. That concerns me deeply because in effect it is saying that gay and lesbian Australians are less equal than other Australians and that it is okay to treat them wrongly. The more the government legally endorses this type of discrimination the more it provides ammunition for hate crimes and persecution against sexual minorities. That concerns me as well because my community has been victimised by hate crimes, persecution and discrimination. Let me tell you, they are alive and well in Australia and are only getting worse, because the government is indoctrinating discrimination towards these groups.

Passing discriminatory legislation would also set a dangerous precedent for unmarried, heterosexual couples seeking to adopt from overseas. It is well known that the fundamentalist religious organisations view only marriage as a legitimate basis for raising a family. That has some implications for de facto couples as well—it is not just discrimination against same-sex couples. In short, let us not waste time and money to create a bad law whose only purpose is to discriminate. Let us instead focus on how we can help would-be adoptive parents, who face incredible challenges and their own discrimination within the whole procedure. Thank you.

CHAIR—Thank you very much.

Marilyn—I am from the Intercountry Adoption Resource Network, although I am just giving my personal story today. I have a 21-year-old daughter. She was adopted from India 20 years ago, so she has been with us a long time. I have seen things that have happened in intercountry adoption over that period of time—some for the good; some for the worse.

I would like to congratulate you on calling this inquiry. I think it is fantastic. It is probably the first time in 20 years that adoptive parents have had this opportunity. I have already sent in a submission, which I did with Glenys Gayfer, who has a 25-year-old adoptee. So you already have that.

I wanted to focus on three things at the minute. The overall thing is that I would hope that out of this meeting there might be stronger recognition of the NGOs—that is, the parent support groups. In the past, perhaps before fee-for-service came to Victoria, there was enormous respect between the government and the NGOs in running the Intercountry Adoption Program. Many things—probably education—have gone to the better in that time, but I think there have been some backward steps in the recognition by the governments of all states of the expertise of the parent groups.

I feel that NGOs—that is, parent support groups—have an important role in the continuing development of new programs. We feel strongly that programs can be developed by the government and NGOs working together. It is essential that programs are looked at not only in Hague countries but also in any country where there are children in need of families. Traditionally, it is the parent support groups that have opened programs through their ongoing personal contacts.

We could use China as an example of this, and there are many Chinese children here today. Perhaps the China program could have taken off much earlier. Two parent support groups sent

representatives to China many years ago and came back with very good information for the government, but unfortunately it was only paid lip-service. It took many more years for the China program to commence. It is time for the government to give much more recognition to the expertise and experience that the support groups have.

I think you would be well aware that there are six-monthly meetings between the states and territories. The sharing of information at this level could also include the NGOs, to recognise the importance of information sharing between all parties. This could perhaps be done with two parent support group representatives at each of those meetings. Often the parent support groups have individual information on what is happening in countries. They could circulate this from state to state. Because that does not happen, we get a lot of misinformation.

The other thing I am concerned about is the DIMIA fees. Fees are a very expensive aspect of intercountry adoption now. When we adopted our daughter 20 years ago we paid nothing. Today, families have to mortgage their houses six times over to get their children. One area that could be looked at is the DIMIA fees. There should be a separate application form for adoptive children. The mess that happens when families go to Immigration to put in their sponsorship forms is incredible. As the time and cost involved in processing an application for an adopted child is much less than that for a migrant application, I feel that fees could be lowered. They could also be lowered if there is a sibling application.

We are delighted that the eligibility for the maternity allowance has been increased to the age of two years. But many intercountry adoptive families adopt children much older than that, and I do not think we should discriminate about whether you get an under-two-year-old or a six-year-old. The costs involved are still great.

ACTING CHAIR (Mrs Irwin)—Thank you very much, Marilyn.

Diane—I am the president of the support group Families with Children from China (Australia). I am the mother of two children: a birth son and also a beautiful daughter from China who is here with me today, Jade Xiaoqing. Our group has submitted a substantial submission, which I do not have time to read here. I will just read the first part of it.

CHAIR—I assure you that we will definitely read the submission.

Diane—It is 92 pages; I did not write it. The first part reads:

FCC was incorporated in March 2004 in response to the growing need for a dedicated family support group representing those who have adopted children of Chinese ethnicity. The adoption program with China has grown steadily since the introduction of the bilateral agreement in Dec 1999 to the point where it is now the largest program in Australia.

Families with Children from China (Australia) is the only national parent group that acts solely for families that have adopted or are in the process of adopting children of Chinese ethnicity.

Our children enjoy a common cultural heritage and our group strives to keep our children connected to the countries of their birth and to each other. As parents, we also draw great strength from the friendships with like-minded people who share our adoption experiences.

Our association's three key goals are:

- a) to support families who have adopted children of Chinese ethnicity through post-adoption and Chinese culture programs
- b) to encourage adoption of children of Chinese ethnicity and support waiting families
- c) to advocate for and support children remaining in orphanages in China.

Our submission has gone through a number of points, including the states' inconsistencies regarding age. We have outlined the age restrictions in the various states and recommended that age be only one of the considerations in the overall assessment, rather than an arbitrary cut-off point as it is in some states. With regard to marital status, there is a discrepancy among the states. Some states require that couples be married rather than accepting a de facto relationship, and we recommend that all de facto relationships be considered equitable to marriage and should be considered as such with regard to an adoption application.

We go through a number of other points in relation to free speech as regards adoption. Many couples who are either in their first adoption or considering adopting again are afraid to speak out against some of the difficulties in the process that they have encountered. The fees are another problem. The local fees vary enormously from state to state. In the past this was not the case. I believe the fees were fairly minimal in the past. Also in the past, there was government support for adoption in the form of taxation rebates and so on. That does not exist today at all.

We have also gone through the discrepancies and entitlements between adoptive and biological families and how biological families are able to receive things such as the maternity allowance. At the time we wrote this, adoptive families were not able to receive it. That has since been changed. There are so many points in this document. I hope you will consider all of the points.

Mr QUICK—We read them all religiously.

Diane—It is written by an academic and she has thoroughly referenced everything. Thank you very much.

CHAIR—Have we received the document?

Diane—Oh yes!

Mrs IRWIN—Mr Quick is correct; we do read all of the submissions. I think a number of us have had to get stronger glasses since this inquiry was announced.

Jeanette—I am a single adoptive parent. I have a daughter from China who is now five. I am going to talk about my personal application process in which I suffered quite considerable discrimination. I am concerned that ICAS requires single applicants who wish to adopt from overseas to supply a stat dec certifying that they are heterosexual. Married women who apply are not required to provide this, and I believe this is in breach of Australian antidiscrimination and equal opportunity law. To my knowledge, the Intercountry Adoption Service of Victoria does not have a legal exemption to do this. In my case, an assumption was made that I was lesbian and I therefore suffered years of delay in the process. I consider that the staff acted unprofessionally and unethically when they processed my application.

In addition, ICAS rang agencies I had dealt with in my role as a foster parent and told them I was lesbian. When I questioned Suzette Guttman about this, she said she and Rhona Noakes denied they had done this. I have no reason to believe that Natalie Altmann, the social worker who told me this, had any reason to lie. Suzette Guttman stated that ICAS had received an anonymous phone call alleging I had abused the foster children in my care and had been on an invalid pension. These allegations were totally unfounded and I now have doubts that the phone call was ever made. I believe this was just part of the process of obstructing my application. Social workers with the foster care agencies supported me and refuted these allegations and continued to place children in my care. Suzette Guttman continued to raise these allegations and not accept that they were unfounded. As they were anonymous, I had no details and ICAS had no way verifying them anyway.

As part of the delaying tactics, Suzette Guttman harassed my GP and disputed with her the diagnosis of a mild chronic illness I had suffered years previously. I did not have this condition when I applied, and I have not relapsed since. It never interfered with my ability to parent or work.

I have never been in receipt of an invalid pension. Suzette Guttman insisted it was the Intercountry Adoption Service's policy that all applicants supply their complete Centrelink file for ICAS's perusal. I had to decline this, as my file contained confidential information regarding my foster children and I was not permitted to disclose this information. Suzette Guttman insisted I sign the consent form and told me ICAS staff regularly obtained information from Centrelink by way of a telephone call once the form was signed. This was not true. The freedom of information officer from Centrelink called me in to discuss the issue with me, as he was only permitted to release information that I requested. Suzette Guttman and ICAS would not be specific about the documents and dates required. Actually, Centrelink had very little information on file and as soon as I told Helen Brain that I would be lodging a complaint of discrimination the Centrelink file was suddenly not needed and I was approved and processed in record time.

My application was obstructed and delayed because I was single and already the parent of three children. I had two home studies done. Both recommended approval, and the second home study social worker confided that she had been chosen as she was hard in her assessments and had been instructed by ICAS to ask difficult questions. It was unstated but understood that she was supposed to find a reason to disprove me. She wrote me a glowing home study report and apologised for the treatment that I had received from ICAS.

As part of the delay, single applicants are frequently placed in queues for education groups and the allocation of home study social workers. This makes their process a lot longer. In my education group the married couples had already gone overseas and collected their children before I even had a home study worker. I am unable to adopt a second time, due to my age, so my daughter will grow up without a sibling. Had my application been processed as normal, I would have been able to adopt a second time. The policy of not allowing adoption out of birth order means I cannot apply for an older child. There is no written policy or research to back this policy. Although sensible, it fails to take into account individual family circumstances. I believe my daughter would benefit from having a slightly older sibling. Thank you very much.

Lisa—My husband Andy is here with me. Please forgive me as I am very emotional. I would like to thank you for holding this inquiry, and for coming to Melbourne. Firstly, I would like to

say that I am very grateful for the parent groups in Victoria. They are the thing that keep us going as adoptive parents. I also really want to impress upon you all today that many, many families have stayed away because the Victorian process is ruled by fear and intimidation and many people who may have been here today are too frightened to come forward for fear that something they say today will be held against them in the future.

We started the process nine years ago. We are a couple without children. We have no skeletons in our closet. We have no reason not to be parents. We went into this process through love and faced mountains of—

CHAIR—Are you okay? Would you like a glass of water. Take a deep breath. We are here to listen sympathetically.

Lisa—I will just say that we are halfway through our adoption process. We have two children. We hope to have two or three more. It is with great fear that I attend today, but this is for my children and for every family in Victoria and around Australia who comes to this because they want to be parents. That is why I am daring to speak—and to speak on behalf of the families from our program who did not attend. Our children are from Ethiopia. We have a very strong national group. We have a lot of insight into the various approval regimes throughout Australia. We understand that in other states—Tasmania particularly; and we know the ACT has a very positive process—the departments see it as a service. They see that they are a service to their clients. In Victoria that is not true. There is a system where you are guilty until proven innocent. There is no love. I am sorry. I am really lost, and I am not a person who is usually lost for words.

We have no control over the timing of our files. We have no control here over whether or not we make our family a large family or a small family. Many people stop at two because of the cost. You have heard about all of the cost and everything else. But a lot of the time there are people in the department here, like the head of the department, who have a very strong bias. Some families are easily allowed to go through quickly and some families have to go through all sorts of hoops. There do not seem to be any consistent rules here. It is very much a personal thing. There is a strong bias towards persons from a certain socioeconomic group or belonging to a particular group or even having an education—for example, if you are a lawyer you get through easily because you will know the law so you will not make a fuss. Many people have been yelled at and threatened. With our first adoption, we were threatened. With our second adoption we were threatened that, if we made a request, we would be put through family counselling for no reason. We have no reason to go through it.

Andy—Really, the gist of what we are here to talk about is the intimidation and fear that is part of the process that certainly we experienced. I know that a number of families do. It is difficult to move towards what you are trying to build as a family, be it one or two children or certain ages and those sorts of things. We represent people who have been through it more than once. We plan to do it again. You would think that would be quite easy. The process is ridiculously difficult, from my point of view. If anything, you are questioned as to why you want to do that and why you might want to have four children from a country overseas, whereas obviously for biological families that is not the case. You are very severely looked at. Whilst I support the general gist behind that and the view that it has to be in the best interests of the child, I think it should be more about being loving and supportive. It tends to be quite the opposite in a lot of people's experience.

Pauline—I represent a group of mothers who had their children taken from them over 30 years ago and given to strangers. This occurred throughout Australia from the 1950s onwards, right through to the eighties. I have in front of me a Senate petition on adoption policy reform which I will read from. Before I read from it I would like to read an email from my son, who I lost to bad adoption practices over 32 years ago. Because of his inability to relate to his adoptive parents, he is alone out there in society and is unable to bring up the child he has fathered. In this email he says:

Tell Liam I got his postcard and I'm impressed by how well he writes, I really love the pictures he did I love his fascination with trains, over the years I can really see improvement in his drawing technique. I'm in my second week of prac now and have been placed in ICU which has it's own set of challenges, I've got 3 weeks to go until I finish this lot of prac then onto my last 4 week block, and I'm counting every week.

He maintains contact infrequently with me and his son. This is because of his inability to relate to people around him due to a condition the name of which escapes me at the moment. I believe copies of the petition have been sent. The petition states:

This petition is addressed to the Honourable President and assembled members of the Senate. We, the undersigned—

that is, Origins Victoria, which also represents Origins groups throughout Australia and the USA, the UK, Canada and New Zealand—

submit:

- (1) that traditional adoption, in which babies are transferred from their natural parents to a generally childless couple, is one of the most contentious and sensitive policies sanctioned by government;
- (2) that past practice shows that poor adoption processes can lead to great suffering and anguish;
- (3) that the fall in local adoptions (from 9,798 in 1971-72 to 73 in 2003-04) shows that in the absence of social and financial pressures, only very rarely do natural parents choose to relinquish their babies permanently;
- (4) that over the last decade, the fall in local adoptions has been offset by a rise in intercountry adoptions, such that intercountry adoptions now outnumber local adoptions five to one;
- (5) that the majority of Australia's intercountry adoptions are from China, South Korea, Ethiopia and Thailand—countries that have not ratified the *Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption*;
- (6) that Australian adoption policy, as formed by
 - (i) the *Family Law (Hague Convention of Intercountry Adoption) Regulations 1998* (Cwlth)
 - (ii) the *Immigration (Guardianship of Children) Regulations 2001* (Cwlth) and
 - (iii) various state-level enactments

has rarely been the subject of academic research or government inquiry;

- (7) that Australian adoption policy has been formulated on an *ad hoc* basis, without supporting studies;
- (8) that Australian adoption policy is inconsistent across the States and Territories;
- (9) that Australian adoption policy does not conform with international trends towards open adoption models (an area in which New Zealand, by comparison, are considered world leaders);
- (10) that international research supports the belief that open adoption models are generally more favourable to the child, the adoptive parents, and the natural mother;

... ..

I could go on, but I have only three minutes. The situation is like that of the king who placed his chair at the edge of the sea to hold the tide back; he did not succeed. Deep down, I do not believe we are going to succeed in stopping intercountry adoption. At least we can get the birth certificate right and ensure that it illustrates the true genetic origin of the child so they are not left wondering for the rest of their lives who their genetic parents are. Their genetic parentage should not be kept secret from them so that the rest of their life is not lost in a milieu of anger, mistrust and interconnectedness with people around them. It is a very sad and sorry state that was created back in the fifties, sixties, seventies and eighties. You have one in five people in Australia affected by adoption and you do not have the support services to assist them now. How are you going to have them in future, especially when you have children from overseas with different colours and different racial backgrounds? You have a country which, under the current federal government—excuse me—does not encourage intercountry relationships.

Graeme—Thank you for allowing me the opportunity to present to you today. I have not been able to lodge a submission with you. I only just became aware of the panel a short time ago. I recently supported two dear friends who have been fortunate enough to adopt a child from China. The process for doing so was long and required a strong commitment over a period exceeding 18 months before they were deemed suitable. It also involved considerable financial and emotional expense. From those observations I firmly believe that any individual who is prepared to demonstrate this level of commitment and a desire to share their lives for the sake of a child cannot help but be a devoted parent.

As a gay man, I was particularly concerned about the effects on the GLBTI community. I realise that much of the negative sentiment in regard to adoption by members of the GLBTI community comes from various churches or groups or discredited sources, such as Dr Paul Cameron of the family research institute. Dr Cameron's studies are often cited as scientific research by groups seeking to oppose members of the GLBTI community on any issue. His so-called studies have been cited in the *Psychology Review* publication. It must be remembered that Dr Cameron has been struck off the medical registers in two states in the United States, where he has operated, and his study is refuted by national professional bodies in both the psychiatric and psychological professions.

With regard to the opposition from religious organisations, I find their claims that their concerns are for the welfare of the child absolutely hypocritical when—with particular reference to the Catholic Church—they are the organisations that, as some would say, perfected the art of institutionalised abuse of children. We do not have to go far back in history, to two of the highest

standing religious leaders in Australia, to see the hypocrisy of these churches. One is Archbishop Hollingworth, whose actions in not addressing the issue of an abusive priest allowed this child abuser, a practising clergyman, to continue abusing a child and continue his ministry. A further disgusting example of this hypocrisy is Cardinal Pell of the Catholic Church, who attended the trial of one of Victoria's worst child molesters, Father Gerald Risdale, in his full priestly regalia—not as a witness for the prosecution or to administer support to the traumatised victims but, as Cardinal Pell put it, as 'a demonstration of priestly solidarity'.

While these religious institutions are quick to proclaim the fabricated ills and evils of two people of the same sex providing a loving and caring, nurturing environment for children, they are quick to disregard the very real evidence that the majority of child abuse occurs within a traditional family unit and is by a blood relative and that by far the greatest perpetrator of domestic violence against children is an immediate family member in a domestic setting. And, as it was reported in the *Herald Sun* only two days ago, the largest single contributor to the death of children—and this was stated to be somewhere in the order of 1,500 per annum—was poverty.

We in Australia are fortunate that as a society we are largely beyond blind faith. Most importantly, we have numerous examples of members of the GLBTI community who are going about the care of their families with the same struggles, worries and joys as any heterosexual couple or any other couple for that matter. These are the same members of the GLBTI community that are caring for your children, nursing your sick, tending to your aged and infirm, paying taxes and even proudly serving in the military, risking their lives to protect the freedoms that Australians enjoy.

On 18 November 2003, the supreme court of Massachusetts voted that it was unconstitutional to bar same-sex couples from marriage. While the government was seeking a compromise to appease the opposing ruling, which suggested civil unions as separate but equivalent, the court issued its final decision in a statement that was of immediate relevance to our own issue: that is, history has shown us that separate is never equal. Thank you.

CHAIR—Thank you very much.

Libby—Hello. My name is Libby. I am the mother of two children—a birth child, and an adoptive child from India. I would first of all like to comment on the fantastic support from the Parent Support Network that is out there for adoptive parents. The main comment I would like to make is about the accountability and the transparency of the system through the Department of Human Services. It is a long, tedious, difficult process, and I went into it feeling very prepared as an experienced mother. When we put in an application, our oldest daughter was seven, so we had seven years of good, solid parenting behind us, we felt.

I fully acknowledge that there are good as well as perhaps less appropriate people working in any job. Our first social worker was, to put it mildly, atrocious. She verbally abused our child. We had to ring up her supervisor and say we were not prepared to have her come into our house again unsupervised. On her next visit, she came with her supervisor but could not remain calm and participate in the discussion for the whole length of the interview and left the room. We then had to go in and have a meeting with the supervisor and the director at ICAS. Basically, there was no acknowledgment that there had been any problem at all. There was never any form of apology or comment back from ICAS at all about the verbal abuse of our daughter. I asked the

director several times for the opportunity to give written feedback and she said there was no format in which we could do that.

We were then assigned another social worker who was fantastic, very supportive and understanding—exactly how you would hope that a social worker doing a home study would be. I again spoke to the director and asked, ‘Is there an opportunity for feedback on this?’ It is a fee-for-service arrangement at a fairly high fee. I would have thought that there was the opportunity for customer feedback and, again, she said no. I am amazed that the department do not want feedback even on their good social workers. That social worker did some very significant things that were extraordinarily good and the director was not interested in those aspects of it, which is extremely unfortunate for the whole process and for everyone.

The director said that, at the end of allocation, there was a time when all the people involved in the department got together and did a final summary of the applicant and that sort of thing. I asked whether we could be part of that process and she said no, that we would be excluded from that. The whole process is such an intense personal process that there is no opportunity. Your hands are absolutely tied. They hold all the cards of your future. It is a very difficult process and I would like for them to be more accountable and, in reality, for there to be a very fair system.

CHAIR—Thank you.

Janet—I speak as another representative of Families with Children from China and also from my own experience as an adoptive parent, who was privileged to be in the first group of parents to adopt from China under the bilateral agreement in December 1999. I am here to reinforce the FCC’s submission—which I know you have received—and also what our president, Diane Wright, said earlier. I know you have met other speakers from Queensland, including Sue-Belinda Meehan and Karleen Gribble. I want to put more faces to this organisation. We are all obviously supporting the same thing. Even though we represent FCC, the principles that I want to address today apply irrespective of which country our families adopt from.

One thing we did to gain support for our organisation was to raise \$16½ thousand for a charity. That is mentioned in the submission. I know Sue-Belinda has spoken about that. I want to talk about a couple of things. One concerns the ideal model, and I know that that issue has been raised and discussed around the country with this committee. The two things I want to speak to are fairly high-level matters. What we are on about is consistency, and what you are hearing very strongly today is the need for consistency in the treatment of families as they go through this process of intercountry adoption, particularly in relation to eligibility—whether we are talking about age, marital status or, in some cases, things which may seem ridiculous to many of us regarding people’s weight and a whole range of things. We are looking at consistency there whatever the model is—whether it be a government-provided service or whether it is to be outsourced to private groups.

Another thing I want to talk about was the process in relation to the best interests of the child. As a committee, you are aware that the state departments do state that everything they do is in the best interests of the child. If everything is to be in the best interests of the child—and I am not making an assumption or acknowledging that it is; I think many of us believe that it is not because of the inconsistencies—how can it be in the best interests of a child to delay the time

because of the inefficiencies, the lack of resources, the lack of funding that we have to go into this service to assist families and children to be united as quickly as possible?

Many of you, I am sure, are parents and have the experience to know how critical the first few months of a child's life are. You may have heard Andrew Denton interviewing Mem Fox the other night on his show. Mem Fox is nationally and internationally recognised as an expert on teaching children to read and engaging children's love of reading and learning. She said of some of the research that she is involved in that reading to babies in the first four months of their lives really helps stimulate their emotional, intellectual and physical development. Of course, that makes us as adoptive parents stop and ponder about what our own children are missing out on.

I can offer personal evidence of the best interests of the child in terms of my own daughter, who was adopted from China at 20 months of age. Sometimes you do not find things out until years later, as we are now with our daughter, who is very healthy at 6½. We found out that it was because she was kept in a cot for the first 20 months of her life that she could only pull to stand when she first came into our lives. She learnt to crawl over three days in a hotel room and then it took another six months before she could walk unaided. That is way outside the average, normal, healthy development for a child. You do not see the implications of that until your child becomes much older and her teachers are wondering why the child has no sense of coordination in their gross motor skills or their fine motor skills. Your child may then need extra government assistance in teacher aids, learning assistance and all that comes with that. So, in the best interests of children, we would advocate that the time for people to go through this process of being united with their children, wherever that is in the world, is as efficient and as effective as it can be, with resources tied to it.

The other thing in the best interests of the child and families going through this process is that, whoever is providing the service—at the moment obviously that is the state governments—we have open and transparent communication with waiting parents. You have heard people's stories today. We should not be patronised as parents. How people get through should not be arbitrary. It should be objective criteria that are used.

I would like to conclude by saying that every day delayed in a child's life to them being in a family, outside an institution, is critical to that child's future emotional, mental and physical wellbeing. Thank you for conducting the inquiry.

Anne—My name is Anne. I am an adoptive parent of two children. I would like to reiterate a number of points that people have made. From my own particular experience of the process I would like to say that one of the difficult things is the inconsistency. What can happen is that you will be allocated a social worker and, depending on the social worker that you are allocated, you can find yourself having five home visits, where somebody else will have three home visits. You can find your home visits running for something like two to three hours, where somebody else's home visits may run for two hours over three separate occasions. You can also find yourself with a particularly conscientious social worker, to the point where they will be opening your cupboards and checking inside them—invading your privacy, basically.

The process generally goes very well until something goes wrong. In our case, with our second adoption something did go wrong. You can find yourself at the mercy of a particular program manager. In some cases, I know of parents that have fallen by the wayside and have not

gone through with the process because they cannot manage the emotional side of things and the trauma of dealing with the bureaucracy. In our case, we got our second child through sheer persistence only, I believe. The support of the parent support groups also helped us through that difficult time.

I think that the resourcing of the department is one of the other problems. There are simply not enough people to do the job and this is illustrated by the fact that it took a friend of mine who is going through the process some nine months before they could get into any education groups. What happens, of course, when you have a blowout and are not able to service the number of clients who need to attend education groups, is that they simply cannot allocate social workers within the three-month time line that they are trying to work to. That means that people who are interested in adopting find themselves not even being assessed within 12 months of first applying. This is on top of the fact that there are age constraints in many countries and, as we know, many adoptive parents tend to be a lot older. Some people are simply not going to be able to be parents, because of the lack of resources.

I would also like to refer to things like the legalisation process. The department does not have enough resources in that area. It cannot prove the documents quickly enough, which means that you can wait something like six months before you can go to court to finalise the adoption of your child. For people who have finished their adoption, that is not a stress, depending on your personality. However, for people who want to go on to second and subsequent adoptions it puts another great time line on the process.

I would like to reinforce the importance of parent support groups. The department rightly emphasises the great store that one has to put in taking on the culture of these children and ensuring that they grow up with full knowledge of who they are and in the fact that not only do they come from a variety of countries but that they are adopted children in families where generally they do not look like their parents. In order to do that you need the support of the support groups. You cannot give the support to those children that the department demands of you unless support groups are there. Support groups can survive only if they get adequate recognition and funding.

With regard to the payment of the \$3,000 for family set-up, whether or not we are paid is not the issue. All families within Australia should be treated in an equitable manner. That means that if a child comes into your family, no matter by what means or at what age, that child should be recognised and your family should gain that recognition.

Finally, I would really like to emphasise that, as you have heard, some of these children have difficulties as they grow up and those problems sometimes do not present until later. There are a number of parents who have worked hard and lobbied hard over the last two years to try to get funding for what is called postplacement services. They want to bring the resources of people like speech pathologists and psychologists into a central position so that people with children who are adopted—I believe that they have particular needs over and above just having various learning and emotional difficulties—can have a place where they can go where there are professionals who have expertise in the area. Thank you for the opportunity to pursue my ideas.

Peter—My wife and I are in the process of adopting. We were approved about two years ago. At the time of approval, after going through the long, arduous process of assessment, we

expected to wait six months. The programs stop and start in a lot of countries. To a large extent there are a lot of problems overseas that cause problems for people who are waiting. The under-resourcing overseas is another issue that Australia could do something about when we set up a program with overseas countries. Children are not immunised generally and there is no general funding to look after the children in the orphanages or homes overseas.

Couples that go through the assessment process need to be able to deal with the bureaucratic processes. They need to be able to submit to review by social workers. They need almost an academic slant to get through some of the processes. That must prevent a lot of people going through who might otherwise be able to do it. That level of dedication is required and the costs are very significant. When you are still waiting, you have expended a lot but you still have nothing to show for it. An example is the department of immigration fee that is payable on handover—\$1,200 or something. There is no accountability as to what happens to it. Even if the child that you have paid for to come to Australia does not come, we are told that it is hardly even worth asking whether there is any way of getting something back. That sort of unaccountability does not seem to exist in other areas.

I would have thought that from a government viewpoint this could be likened to the overseas aid program. Australia's overseas aid program has been declining for the last 20 years, even though we have become much more prosperous and have been in boom times. If overseas adoption was seen along those lines, it could be assessed as a very effective form of humanitarian overseas aid. It might only cost the government another \$2 million to do wonders to cover the costs that are involved for all the intercountry adoptions. Alternatively, it could be seen in terms of the benefits it provides to Australian society, rather than as being overseas aid. Australia is doing a lot of things to try to address its ageing population problem and falling fertility rates but this would be one very effective way.

Children are being brought into families that have been assessed as being stable, loving and dedicated and where, generally, there is a mother and father. If some sort of value was placed on that, I think the payback to Australian society would be several times over anything it spent covering all the costs of overseas adoption. At the very least, the costs incurred could be tax deductible. That would be consistent with donations for overseas aid. In our own case, because we are spending money on adoption at the moment, what would otherwise have gone to overseas aid is being substituted. I think it is fair to see it in that sort of way. There is a case for it being tax deductible if we have to pay. Funding for children to be immunised could help a lot, as could funding for them to be cared for in the overseas countries when a program is set up between Australia and that country. Thank you.

CHAIR—Would anyone else like to comment?

Lyn—Yes. I have sent in a submission and I hope people have read it. My daughter is currently 29 months old. She was adopted at the age of nearly 19 months, in September last year. She is the light of my life. I am a single parent. I did not go through quite what Jeanette has had to go through, but I have to admit that I do not believe single parent applicants are treated equitably in the process. I would especially like to bring up the example of a friend I have come in contact with through this, who lives in South Australia. She had to move to Victoria to adopt her daughter. In my opinion, that is absolutely criminal. She is a fantastic parent to her daughter and she had to move states because of state regulations. From that perspective, I feel very

blessed and very lucky that I live in Victoria. I have three fantastic cousins who were adopted from India. Growing with them and watching them grow has been a delight in my life. When I realised that marriage probably was not going to be an option for me, intercountry adoption was the first thing I thought of because of the experiences I had growing up with my cousins.

I am not going to take very much longer, but the immunisation allowance is one thing I would like to bring up. My daughter was nearly 19 months old when I adopted her and nearly 20 months old when we arrived home. We were given an immunisation form from China which stated that she had had a whole range of immunisations. We realised that because vaccines might not be stored properly sometimes they are not effective. So I went to a paediatrician in Melbourne and asked the paediatrician to check the immunity levels of her immunisations, to check that she had appropriate coverage. He did so and found that most of hers were really good.

She was covered for most of them; the ones that she was not covered for we had done pretty soon. But to try and get all the immunisations that children are supposed to have before they turn two years of age and to have claimed for that before they turn two when they have come home at an older age has been very difficult. She got her last immunisation the day before she turned two and I had to fight Centrelink to get that payment. That annoyed me. And I had to fight Medicare when I bought her home to get her enrolled in the name that I had chosen, even though I had a document from the Department of Human Services stating what her new name was and what her previous name was and I had all the adoption documentation. I was treated like I was trying to enrol an alien. The person that processed my application was rude and totally uncaring and was speaking very loudly in front of all the other people who were waiting in the Medicare office. I did not think it was appropriate that everyone else should be hearing what my daughter's background was; that is her private story.

I thank you for the work that you are doing. I thank you for deciding to have this inquiry. I thank you because I am now eligible for the maternity payment, which is going to come in very handy. I really appreciate the time that you are taking and hope that good things come out of it.

CHAIR—Thank you very much. As there is no-one else who would like to say something, we have now completed the community statements. I thank everybody for their contributions. We will now hear from representatives of Victoria's peak adoption support groups.

[1.42 pm]

CHANDLER, Mrs Glenys, President, Australian Society for Intercountry Aid to Children, Victoria

CARLSON, Mrs Wendy Margret, President, Han-Ho Kids Club Inc.

SCOWCROFT, Ms Gail Annette, Membership Coordinator and Immediate Past President, Intercountry Adoption Resource Network

WILSON, Ms Jacqui, Past President, Intercountry Adoption Resource Network Australia Inc.

Witnesses were then sworn or affirmed—

CHAIR—Welcome. I have received two supplementary submissions: one from Intercountry Adoption Resource Network Australia Inc. and one from Han-Ho Kids' Club Inc. Is it the wish of the committee to accept the supplementary submissions as evidence and authorise their publication? There being no objection, it is so ordered.

Ms Scowcroft—Firstly, I would like to say thank you for the opportunity to be heard today. As you would appreciate, there are many emotional stories here, and it is an emotionally charged experience that most families have. We would like to note with regret that the department is not represented here today; however, we go forward.

Intercountry adoption has increased dramatically in the last seven years. In the year ending June 1996 there were 96 registrations of interest and 75 applicants for intercountry adoption. In the year ending June 2004 there were 246 registrations of interest and 144 applicants: increases of 156 per cent and 96 per cent respectively. In June 1996 ICAS, in the department, had 6.5 staff. In 2004 ICAS had 8.2 staff. They work very hard with this level of staffing to cope with the increase in demand. There are more information sessions, more education groups and longer waiting times for most couples. It is not unusual to wait nine months from registration of interest until an education group is available. Waiting times from registration to approval can be up to 50 per cent longer than they were some years ago.

There are high levels of dissatisfaction—and you have heard about some of that today. We do not all have these difficulties and challenges. The dissatisfaction could be a result of the volumes of people who are going through intercountry adoption. And there is dissatisfaction with the process. The process has changed little. The time frames have extended. There is no independent body for complaints. Currently any complaints are referred back to the head of the department. It was interesting to note that ICAS had introduced a feedback sheet which they were asking people to wait for to record any of their comments. I just want to make the point that it was ICARN's suggestion, and in answer to a regulatory impact statement on price increases, that the department introduced this feedback sheet. It does not allow for any real response to somebody's experience. They are very much research based questions so that they can add up the numbers and say, 'Most people are happy.'

While the resources at ICAS have not grown with demand, the parent support groups have grown in number and in membership. We take on a large chunk of responsibility, some of which you have heard about today. We offer a depth of information for couples and families before and after they have adopted. We have real experiences with babies and adult children as well, as you have heard from some of the people here. We offer information about expectations in the country of adoption and expectations when you arrive home. We offer educational events for children, cultural activities for families, annual camps and a voice at departmental level.

We try to be advocates on behalf of all of the adoptive community. We provide speakers at departmental gatherings. Currently ICARN has a membership base of 208 families. The membership is made up of families with children from India, the Philippines, Korea, Sri Lanka, China and Guatemala. In the last few years, as well as doing those things I have already mentioned, ICARN has been instrumental in improving information flows from overseas countries, encouraging overseas agencies to include more information about birth families and medical histories, initiating early intervention programs, facilitating adoption play shops for children with an expert play therapist from the USA, improving communication between groups and opening up the play shops to all support groups in Victoria. We coordinated the play therapist expert's tour around Australia to states who would accept her. We have developed ongoing programs and initiated training for our own adoption play therapist here in Australia. All this is done on a volunteer basis. There is no formalised or funded body in Victoria to speak or act on our behalf. We are growing in number and complexity. We have unique issues. We are a diverse group with common goals: the wellbeing of our children and families.

We believe we need a recognised voice to speak on behalf of our community. There is no formalised support for adoptive families that is available for all families to access. The Victorian community would benefit from the establishment of an umbrella body or council that is funded to work on behalf of all adoptive parents, to counter bias and to provide information and educational services, support for adoptive families and a referral service for the individual needs of children born in overseas countries. This organisation would be representative and provide expert advice and opinion to the government on matters relating to intercountry adoption. Further, our community needs an independent body to hear complaints—an ombudsman, perhaps—to ensure that the government department is continuing or endeavours to provide the right opportunities and services for families who are created through intercountry adoption.

I was going to expand on the high cost of intercountry adoption but I think you know about that. Briefly, it can be broken down into a number of different areas. We said in our submission that it can cost up to \$30,000 to adopt one child from an overseas country. If you break it down, there are costs in Victoria from registration of interest to approval to adopt a child from an overseas country. There are costs federally via immigration. There are costs overseas which vary by country but include all the medical costs, all the legal costs and travel costs to call for the child.

From the moment you are—we do not like the word 'allocated'; we would like to have it changed—matched and joined as a family in Australia with a child from an overseas country, you are responsible for the child's wellbeing, upkeep, medical costs and all that goes with it. There can sometimes be a wait of up to 18 months before you are physically united or introduced to your new child.

There are travel costs—international airfares, in-country airfares, accommodation, food and taxes—which vary by country. There are Australian government costs—the department of immigration visa costs. When you come home it does not stop there. There are legalisation costs, court costs, compulsory medicals, and the list goes on. We urge the committee to look at ways of easing the financial burden whether that be through abolishing some taxes and costs or making some tax deductible expenses for intercountry families. Thanks again for hearing from us today.

Mrs Chandler—I have a small piece. Firstly, I will give a brief history. I bring a historical value to this, I believe, in that we have two biological children and four adopted children. The first one was adopted 20 years ago and the last one three years ago. So we have seen the system working or not working over a reasonably long period of time. To that end, I think we also need to realise that the only children who come here through intercountry adoption are those children who have absolutely no other options within their own countries. That needs to be noted quite succinctly.

It also needs to be noted, as I am sure you are well aware, that from state to state in Australia—and ASIAC is an Australia wide organisation—it is obvious that the criteria vary for parents to be assessed; for singles to be assessed, which is non-existent in some states; and for male applicants to be assessed. There are donor countries, I believe, who will accept male applications. It needs to be noted that the single parents that I am aware of who have adopted their children, mainly into the state of Victoria, have done the most outstanding job for those young people, many of whom in coming have had some special needs.

While we look at all of this we need to look at uniformity, flexibility and an open age criteria. Some states will only accept children who have not yet had their fifth birthday. Others will only take children up to the age of nine, yet we have numerous examples of young people who have arrived after the age of nine or in their ninth year who have done totally brilliantly. There seems to be an adage that if you are an older age adoption you are not going to make it; there are just too many problems. I think we can dispel that. That is the perspective I bring, and I would welcome questions at the end of this.

CHAIR—Thank you. Jacqui or Wendy, do you want to make an opening statement as well?

Mrs Carlson—I would like to give some overview of what happens in a parent group. Han-Ho is a group that is exclusively for children adopted from South Korea. I am here today representing almost 250 families with children from Korea. We think it is really important that single-culture parent groups and mixed-culture parent groups work together. I would like to say a little bit about the sorts of things we do as these parent support groups.

It is more than just being the impartial ear when all these issues occur during the process. We also play a role in the process of assessing people, in that Victoria demands that couples attend a compulsory session about the culture or number of cultures they are considering adopting their children from. Those sessions are run by members of the parent support groups. So, at some stage of the process, we in fact meet every couple who is thinking about adopting a child from overseas. As you can imagine, that is an enormously time-consuming activity for volunteers to undertake. We provide country-specific information and practical information about the culture and what to expect during the process. We assist them with all the documentation that they go

through. We give them advice on how to access their child's culture group in the state. We provide that impartial contact point.

We are the voice on the end of the phone during the waiting process and we are the people they come to for help when they have problems with DIMIA—when they go to lodge their forms and they are told, 'Go away, we do not do adoptions here.' We have had situations with Medicare from children having to have separate Medicare cards, having to be in the name that they bring with them from their country of birth, to being able to give them the name that you want to call the child when the process is finished—so that total inconsistency is there.

There are issues with evidence of Australian citizenship. I had to produce about 14 documents to get the certificate of Australian citizenship for my second Korean child when she already had a Victorian birth certificate. I was asked to provide the entry visa for—

CHAIR—Could you say that bit again. You said you had a Victorian birth certificate.

Mrs Carlson—Yes. But I was asked for this massive list of adoption documents. Similarly, there are situations such as when you enrol a child in a Victorian state school they ask you for a copy of their original entry visa, which is not generally, particularly with Korean children, even in the name that they are currently called.

Mr QUICK—How do they justify that?

Mrs Carlson—I think it has to do with funding for international students. I am not sure.

Mr QUICK—So the local kindergarten wants to know—

Mrs Carlson—Primary school—they want a copy of the entry visa.

CHAIR—Why wouldn't a birth certificate be enough?

Mrs Carlson—That is what I asked.

Mr QUICK—Is that a Victorian state education department requirement?

Ms Scowcroft—That did not happen at my school, so it seems peculiar.

Ms Wilson—I think you will find that, because our families look different, it is easy for people to ask for more information and more requirements than they would from other families.

Mrs IRWIN—Was that a state or a private school?

Mrs Carlson—State.

Mrs IRWIN—Do you know if that happens in other states or territories?

Mrs Carlson—I do not.

CHAIR—It happened in Queensland. We heard that.

Mr CADMAN—I take it the child was born in Victoria and then you adopted it overseas—

Mrs Carlson—No. When the process is finalised, in the state of Victoria the child is issued with a Victorian birth certificate.

Ms Scowcroft—It actually nominates the adoptive parents as their parents.

Mrs Carlson—But it states the country of birth.

Mrs Chandler—The confusion might lie in what type of entry visa the child came in on, in that some entry visas only require the child to attend school for six weeks, while medical visas require no time at all et cetera—whatever the requirements might be. Certainly for our young lady, who is just completing year 12 this year, we were only asked to send a copy of the visa three months ago. She entered as a five-year-old and is now 18.

CHAIR—And they wanted her entry visa in year 12?

Mrs Chandler—That is right, and it would be the third time that I have sent it.

CHAIR—Why?

Mrs Chandler—I am not sure. As I explained, it is probably because of the type of visa that she entered on, bearing in mind that many young people at school now will be on all types of visas.

Mrs IRWIN—But she is an Australian citizen.

Mrs Chandler—Yes, she is. That is right. I am also trying to get her on the electoral roll now and that is another hurdle.

CHAIR—Once you are an Australian, that is it.

Mrs Chandler—No.

Ms Scowcroft—Apparently not.

Mrs Carlson—Even in renewing my son's Australian passport, I had to go back and provide the original documents.

Mrs IRWIN—It might be a good idea, if you are having any problem with bureaucrats within the department, to go and see your federal member of parliament to see if they can assist you. I am sure that they would be able to.

Mrs Carlson—Quite apart from dealing with all of those sorts of documentation issues—

Ms Scowcroft—And now having to go and see the member.

Mrs Carlson—Yes. Now I am going to go and see the member on people's behalf. As some of the families have said today, getting through the process of adopting a child from overseas is really the beginning. The kind of ongoing support that families need post adoption is enormous. At the moment, there is no way of us accessing that. Just yesterday I had someone say to me, 'When we need advice, Wendy, we come to you, but who do you go to?' That is pretty much the way it is. We depend on the experiences of other families through the years, but it would be of enormous benefit to us to have a post adoption resource available to everybody as an ongoing process.

Mrs IRWIN—Do you get any funding at all?

Mrs Carlson—No.

Ms Wilson—These people sitting in front of you are not here because we have nothing better to do with our lives. We are here because we know what we need to do for our children and our families to be happy and connected. In all the stories that you have heard here, it is quite clear that there is a need for a council like the parents support groups to formalise to form a partnership with the department to not only assist in providing necessary expertise throughout this process that only we can provide because of what we are—adoptive families—but also assist in the ongoing support for families throughout their lives. There are a number of key issues here that we as adoptive families, parents and support groups are fully equipped and able to deal with. We can provide valuable assistance and support to government.

CHAIR—We have heard from other witnesses in a different state that within the department of that state there seemed to be an antiadoption attitude and that everything was done to dissuade people. You were not regarded as doing anything worth while—that was the essence of the evidence we heard. Is there any feeling of that here?

Ms Wilson—I have never personally come across an antiadoption experience but obviously there are issues here in the types of experiences that people have in trying to adopt. In any service that provides a process like this, it is very easy to forget what you are actually dealing with—that is, people's fundamental emotional need to become a family. A lot of how the department deals with the processes—the communications that they may use and how they assess—is quite often divorced from the needs that people are going through. There is a disconnection, a level of dissatisfaction at not being understood, not being assessed fairly and there not being transparency. That would be the fundamental issue with the department that we deal with here.

Mr QUICK—We also heard that the social workers and the psychologists are basically working on contract for the department. Their main area of expertise is dysfunctional families and the child welfare aspect but they also have to deal with people like you who are put through the wringer and who fill out—

Ms Wilson—In my experience there is the view that because you can assess us as the parents you can ask us almost anything. But just because you can ask us something and assess us that does not mean that you should, and they cross those boundaries.

Mr QUICK—We heard in Queensland of people having to go through a 270-page workbook. What is the justification for that?

Ms Wilson—That is my point.

Ms Scowcroft—It is unnecessary, surely. I think that it needs to be said that the case social workers are not adoptive parents. They have no experience. The department here tends to have a policy of not employing adoptive parents.

Ms Wilson—Similarly, not just adoptive parents but most of the case workers have little or no knowledge of the programs themselves and so applicants go right through the process thinking that they are going to perhaps adopt a child from one country and then when it comes to approval at the end of the process they discover that they are actually not eligible or suitable for that particular country and they have to go back—

Mr QUICK—So should there be a requirement for all social workers to go through the education process before they are asked to assess families for intercountry adoption?

Ms Wilson—Yes.

Ms Scowcroft—I would have thought so.

Mrs Chandler—I suppose it is fair to say that social workers come to social work so that they can help somebody. When they come to assess parents to be intercountry adoptive parents they usually find that they have people who are quite succinct, who have thought through some of the problems, who have already met some of the other intercountry adoptive parents, who have sussed out which country they might like to go to and the processes. With the internet now and emailing as it is, that information soon scoots around to many. The social workers find that they sit down to talk to people and, really, they cannot help them at all because they have a wealth of information already. It is the seasoned social workers who can sit back in the armchair and say, ‘Now what if this happens or what if that happens?’ It is the person who has thought through some of the issues themselves and is able to present them and see whether they can tease out some of the real parenting skills that might apply, and we do not find that very often.

Mr QUICK—Can you tell me how the office is structured—the 8.2 people? You have got a head of department or something—

Ms Scowcroft—Part time, part time, part time.

Mr QUICK—They are all part time?

Ms Scowcroft—Most of them are part time. There are two full-time people and the rest are made up of people who are part time. Consequently, the person that might start your file off has no knowledge of what is going on with your file as it goes through. It seems to be that with 8.2 people they could actually meet—

CHAIR—What is the average waiting time for Victoria?

Ms Scowcroft—It is incredibly varied. It depends on the country that you are going to adopt from—

Mrs IRWIN—Can you give us an example, say, from China or Korea from the date that you decide to put your application in?

Mrs Carlson—China and Korea are probably the two fastest.

Ms Scowcroft—India is quite long—

Mrs Carlson—At the moment there is an eight- to nine-month wait just to get into the education process. So from their expression of interest to begin an education class, the wait is currently eight months.

Ms Scowcroft—It is likely to be 18 months now. When I adopted my daughter it took 12 months roughly from registration of interest through to approval. I would say that it is about 18 months now. After approval your file is sent to a country or to a home in a country. If you have chosen Korea it is up to a year—there are a number of children allocated to Victoria from Korea. If you have chosen China, they seem to go off a couple of times a year to China. In India, once your file goes to a home you just have to wait until a child is there and allocated to you. You have to wait. I waited 2½ years all-up.

Mr QUICK—I am interested in China because I am going to Beijing in sixteen days to have a look at what is going on. Do the Chinese people work through the China Center of Adoption Affairs, the CCAA?

Ms Scowcroft—Yes.

Jeanette—Yes, they work with the CCAA in Beijing, which is the centralised adoption agency in China.

Mr QUICK—I am going to visit them in sixteen days time, so I can find out what is going on.

CHAIR—Thanks, Jeanette. You have been part of the community process.

Jeanette—What happens in China is that other countries, like America, that adopt in China actually—

CHAIR—Hansard will not be able to hear you. You will have to come to a microphone.

Jeanette—The China process would work a lot better if we had liaison officers in China like other countries do. Often ICAS gives contradictory information about the China program. I would like to adopt a special-needs child, and I can, up to the age of 55, but ICAS here says I cannot, yet the Americans are doing it all the time and it is possible in China. Even the deputy director of CCAA in Beijing told me I could and to put a file in, and ICAS told me I cannot.

Mr QUICK—I might talk to you afterwards—let the other ladies go up.

Jeanette—The waiting period for China at the moment, once your file goes to China, is about seven months. A couple of months ago it was six months. When I went through it was 14 months—and my process took six years.

Mr QUICK—Can you go to any DHS office and put in an expression of interest, or do you have to go to a central office?

Member of the audience interjecting—

Mr QUICK—I am asking the ladies down the front, sorry.

CHAIR—Just a minute. This will get a little unruly. I think we will have to stick with the witnesses we have here and deal with that. Perhaps individuals can talk to Mr Quick afterwards, because he is actually going to China.

Mrs Carlson—DHS holds a series of general information evenings. This year there are eight, which the parent groups also attend. All prospective parent couples are invited to come along to those. They are given an information pack and with that there is an expression of interest form that they send in.

CHAIR—Do any of you have any comparison with the time it takes to adopt a child born in Australia—presumably in Victoria, for Victorians? There are very few, I know. We had 98 right across Australia last year. Does anybody have any idea how long it takes to go through the vetting process of the parents and the adoption process?

Mrs Chandler—On the occasion that mixed-race children are placed with intercountry adoptive applicants—and it sometimes happens that a family is approved and they have made a decision that they would like their file to go abroad but they would also like to be counted for a child if it were available locally—and that has happened under 10 times, to my knowledge, those young babies have been placed as infants under six months old or around the six-month-old mark. Bear in mind that those families have already been assessed and approved. But then, I gather, they would be handed to a local agency, not so much the Intercountry Adoption Service.

CHAIR—So it would be an NGO?

Mrs Chandler—It could be.

Ms Scowcroft—I understand also that, if you are going to go for just a local adoption, you are actually not processed until there is a child available.

Mrs IRWIN—But you still have to see a social worker or go through an education class—

Ms Scowcroft—Yes.

CHAIR—Does it take the same amount of time?

Ms Scowcroft—I do not believe so.

Mrs IRWIN—I think you will find that overseas adoptions are a lot longer—

Ms Scowcroft—No, nothing like it, so long as there is a child available.

Mr CADMAN—Just on the same issue: do you think your members have decided to adopt overseas because there is no real choice locally, or is there a preference to adopt a child from overseas?

Ms Wilson—In our case, it was a preference to adopt from overseas. I would say that it is an individual choice, but predominantly I think it is now becoming a preference to adopt from overseas, because it is more of a global world. We have more connections with other countries. We have more connections, usually in our own families, with other countries. We do not see Australia as being just Australians who were born here.

Mrs Carlson—And lots of families do actually go for dual approval. They go through the process and agree that they would be available for either.

Mr CADMAN—They would want children in their family, yes.

Ms Wilson—I believe that the steps we go through for intercountry adoption are relevant and necessary, but what we are saying is that the time it takes now is due to no other reason than the resourcing, and the things that happen in those stages are not necessarily what should happen.

CHAIR—It is almost as if there is a rationing process. The number of children who may become available to be placed is determined by the country where the children are born.

Ms Wilson—That is exactly right.

CHAIR—Because we have ratified the Hague convention, we want the agreements that we have entered into to go through the same sorts of processes in the country of origin that the Hague convention would require them to go through, as best they can. Most of the children that are adopted are from non-Hague-ratifying countries, with the exception of the Philippines being the biggest one that has ratified. Victoria has been given the responsibility via the MOU with the Commonwealth government to look after China and the Philippines, if my memory serves me correctly, so Victoria has had officials visit China and the Philippines. Is there a feeling that a lot of the assessing and vetting of parents could perhaps be done by an NGO instead of a government department? Has anyone thought about that?

Ms Wilson—Here in Australia?

CHAIR—Yes. There was an example in South Australia, but it was closed down by the South Australian government, and they went back to a departmental model. Under the MOU and under the Hague convention it is perfectly admissible for a central agency to appoint an NGO.

Mrs Chandler—You may recall that the International Social Services in Melbourne assisted folks for intercountry adoption some years back now, and then it reverted back to the Department of Human Services, so that has been tried here. It was also mooted that we should have a private agency here. Then the thoughts were that, because it is a legislative process, it was

best that we did not have a private agency here and that it was retained by the Department of Human Services.

Mr QUICK—Do you have any suggestions for how we can streamline the process and have an Australian-wide process, because at the moment it is like the rail gauges of the last century. I come from Tasmania and I know for a fact that families are moving down to Tasmania, which I welcome, just to adopt children, which I think is absolutely ludicrous. This calendar is absolutely amazing, but in Queensland you are prohibited by state law to allow the photographs of the children to be in the public domain, which I think is akin to 1930s Nazi Germany censorship. It is a real concern to me that there is not national consistency; the fees are exorbitant in New South Wales, and in Tasmania they are about the lowest. What recommendations can you give us for how to get a national approach, irrespective of where you live in Australia and of whether you are a single mother or an elderly person? If you have a desire, you have to jump through more hoops than the normal family, who can have kids at the drop of a hat and get paid \$4,000 for them; you people are asked to go above and beyond the call of duty, and depending on which state you are in you are being punished. How do we get a national approach?

Ms Wilson—I think it is a matter of bringing the right people—

Mrs IRWIN—It is up to government, I think, to put the legislation in place.

Ms Scowcroft—You clearly do not want to pay more in Victoria.

Mrs IRWIN—As you know, this is a House of Reps committee made up of government and opposition members. We are hoping to have bipartisan support. We hope that both sides of government will support the recommendations that we put to the minister. It is entirely up to the government whether they take those recommendations on board. I think what Harry is getting at is that, if you were in our position, what recommendations would you like to see put in place by government?

Mrs Chandler—I will give you a basic example. Bear in mind that ASIAC is Australia wide, and I have reasonable contact with all departments and have had over the years, some being better than others. Last week it was my privilege to work with the Tasmanian department with regard to a placement of an Indian child with a family in Tasmania who had been waiting a reasonable amount of time. The Tasmanian department was so excited about it and so was the family. That is a delightful thing to see, because quite often departments in general can be a little bit stand-offish.

So I got a phone call from the Tasmanian department. It was from the person who runs the Intercountry Adoption Service, who said, ‘Glenys, I want to thank you for the work you’ve done on our behalf and I’d like to email you the photograph that has just come in. Would you like it?’ I said, ‘I’d love to see it, please. That would be terrific.’ The Tasmanian department emailed, with the parents’ permission, to me a copy of the photograph. I thought what a breath of fresh air that is. That takes us back many years to when we could pick up the phone and speak to people honestly, truly and straight down the line and nobody went: ‘What are you doing? Mind your own business!’

Mr QUICK—When you put your application in, do you actually get a number so that you can say, ‘My file number is 176’?

Ms Scowcroft—No, absolutely not.

Mr QUICK—So it is exactly the same as in Queensland: it just disappears into a black departmental hole and if you raise your voice above the norm there is a good chance that it will disappear down to the bottom of the files.

Mrs Chandler—Some years back we had a family drive down from Far North Queensland to pick up their two children, who flew into Melbourne under escort. They drove all the way down. Their four-wheel-drive vehicle collapsed in Melbourne. We had it fixed. We had them staying with us, we put on a birthday party for one of the littlies and then they drove back. As they went through Brisbane they rang the Queensland department and said, ‘Can we pop in and show you the children?’ and the Queensland department said no, so they kept going back to their property in Far North Queensland.

Ms Wilson—In terms of answering your question, when we deal with an overseas country, they have one set of requirements for parents that are applicable to Australia. We do not have the same going back to them. What we would like to see, in terms of eligibility, is that it is consistent across Australia. I think the process of achieving this is to bring the right people to the table and discuss it. In terms of costs, we broke down the figures before to do with departments. We do not want to go to the highest denominator in terms of costs, so we do not want to rise to the costs in New South Wales. But there should be transparency and accountability in terms of what state you are in that maybe alleviates some of the costs that the department charges that are basically not supported in terms of the work that is provided.

CHAIR—The problem is that if a state pursues full cost recovery, as New South Wales says it does, it is around \$10,000. If a state chooses to subsidise it, it can go down to \$2,000, which is the case in Queensland. There is a whole range of in-betweens. The difficulty is that the law that governs the relationship between children and parents is state law while the law that governs a person from overseas becoming a citizen is federal law. So we are looking at a situation where we have to work within the federal system and if everybody thought the most important thing was to have a universal thing I think you would be more likely to see everyone go for full cost recovery. That may not be in your interests.

Ms Wilson—That is right.

Mr QUICK—Also, if you did have full cost recovery you should have FOI access. There should be full accountability if you have full cost recovery. At the moment you have departments in each state saying whatever they like. You have to trust your luck, keep your nose and head down and just hope. There is no consistent approach.

CHAIR—But I think you should be entitled to FOI access irrespective of whether or not you are paying full cost recovery. But again it is state law as to whether they give you FOI access to your own files, so different states would have different FOI legislation.

Mr QUICK—But we have heard today that Centrelink is also involved. It is a Commonwealth agency.

CHAIR—Exactly.

Mr QUICK—Medicare is involved as to registration. Then you have got state education systems. It is a hell of a hodgepodge. There is not one form to fill out; you have got 10 or a dozen.

CHAIR—That is what happens when you have a federation. Witnesses, I hear very much what you have had to say about the difficulties with Centrelink, the intrusion and this nonsense about not accepting a birth certificate as being proof, when it is for every other child. I think those are all sorts of issues that we can look at in terms of what proof is required to get access to federal services. Those are something that we could well and truly take a good look at.

Ms Scowcroft—And the baby bonus?

CHAIR—Were very pleased that the baby bonus went up to two years. We thought that was a bit of a win—some of us did quite a bit of work.

Ms Wilson—You did—and we are very grateful for that.

Ms Scowcroft—We appreciated that. However, if I were adopting today, under the same circumstances, I would have missed out on it. My daughter was two when she finally arrived in Australia, although she was allocated to us when she was six months old.

Mrs IRWIN—I have to admit that I did not support it. I spoke in the parliament, along with Mrs Bishop. We did support the government on that, but, in a number of our speeches, we said there is such a small number of people adopting overseas that, in fairness, we should give that extra bit of money. We have heard from the submissions and from some of the people who have come before our public hearings so far of the frustration when they have finally got approval, they are going to have that child in their arms, then all of a sudden they get a photo—in the story we heard the child might have been from China—and the child could be three or four months of age but, because of visas and a number of other issues, that child will not come to the family in Australia until they are seven, eight or nine months of age. What do you feel that we as a government and opposition should be looking at? Remember that we are hoping to have bipartisan recommendations on this. Should it be like the visas? What do you feel is the hold-up once you find out that you have a child to bring home to your loving family?

Ms Wilson—Some of it is the process in the country itself, which is out of our control. But, in terms of what we can control here, we were talking before about the entry visas. They should be changed so that we do not have to through the same protocol as for anybody arriving in Australia—considering that they are adopted children.

CHAIR—There are different legal requirements in each country, aren't there? Some adoptions are completed in country and some are completed here.

Ms Scowcroft—I believe that only in China is it completed in country. All the legal work is done while you are there and then a medical is conducted. The difficulties with China are that if your child, whom you have now accepted, laid eyes on and held in your arms, does not pass the Australian government medical requirements they will not get an entry visa. I believe that China's answer to that is: 'No problem. We will give you another child.' It has not happened yet, but it is bound to happen. Something is going to go drastically wrong with that. It is possible to be emotionally tied to a photograph. If people can fall in love across a room, we can fall in love with a photograph. To have a photograph become flesh and blood and then not pass a medical—and it will happen eventually in China—

Mrs IRWIN—I can see the point you are making. It is like a woman who has an ultrasound, sees the foetus and says, 'That's my child.' It is only a photograph, but all she wants is to hold that child. That is true.

Mrs Chandler—I suppose a lot of the delays are born of the processes in other countries. You wait for a court hearing overseas, you wait for the order to be issued and you wait for a passport application—which can take up to 28 days in India. So there are delays on and on. Even the clearances for a child can cause considerable delays.

Ms Wilson—We would also like to see a tax break on some of the costs incurred.

CHAIR—Thank you very much for giving us your testimony and advice. We appreciate it very much.

[2.30 pm]

NAGESH, Mrs Marilyn Loris, India Program Coordinator, Intercountry Adoption Resource Network

GREENOUGH, Mrs Frances, Private capacity

MICHAELSON, Mrs Jenny Anne, Private capacity

Witnesses were then sworn or affirmed—

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Mrs Greenough—We are both appearing as individual adoptive parents, but I guess I am also representing a lot of the people behind me.

CHAIR—We have your submissions. Would you like to make an opening statement?

Mrs Michaelson—Frances and I thank you for giving us the opportunity to speak with you today. Both of us have a daughter from India as well as a birth child. We are also both waiting for an allocation of another adoptive child from India. We send apologies from our husbands, who have work commitments today and are unable to be here. We feel that we are representative of the average adoptive family and that it is people just like us who will be most affected by future changes in the process of intercountry adoption. We have made up a collage of photos of our families to give to you as a symbol or reminder of the types of people who will be affected by any recommendations this committee makes to the Australian government. I believe you have that. We class ourselves as average, middle-class Australians who have made financial sacrifices in our lives in order to afford the huge costs involved in adopting a child from overseas. Hence, a number of our requests are based on the hope that the federal government will act to ease the financial burden on those who choose to form their family in this way.

I will briefly review some of the measures we believe the government should implement in the immediate or short term. Firstly, the government should make the maternity allowance available to all adoptive parents regardless of the age of the child they choose to adopt. Whether one adopts a six-month-old, a two-year-old or a five-year-old, there are still large set-up costs in bringing a child into your family. The government aid foster parents who look after older children, and we feel they should not discriminate against older adoptive children. Secondly, on the arrival of an adoptive child into the country, we would like to see parents receive an adoptive equivalent of the bounty bag that birth parents receive. This could include information on government assistance, such as family tax benefits and the maternity allowance, and how to go about getting birth certificates, passports et cetera for adopted children. Many adoptive parents only find out from talking with other adoptive parents that they are eligible for various forms of government assistance.

Thirdly, we would like to see a national system for getting adoptive children onto their parents' Medicare card. That has been covered, so I will not say much more on that. Fourthly, we would like to see the government waive or reduce the \$1,250 immigration fee for adoptive children. As a brief analogy, we feel that this fee is like asking a public servant to go along to each maternity ward in the country and ask each birth mother: 'How did your child arrive here? By normal delivery? That'll be \$500. Caesarean section? \$800, thank you.' If this occurred there would be a national outcry, yet adoptive parents are made to pay for the arrival into the country of their children, even though the paperwork required for this fee is very minimal. Fifthly, we feel that the medicals required for the application process should be able to be claimed under Medicare. When you are paying around \$200 per couple to get medicals done, it would be great to be able to claim at least some of that.

Finally, there are a few issues I will highlight that we would like to see implemented in the short to medium term. The first is standardised lower fees across the states and territories. Many people are unable to afford the fees as they are and it would be very sad if only the well off could afford to adopt from overseas. I personally know of some wonderful people who would make great parents to an adopted child but who cannot afford the huge cost. The second is that adoptive parents would be extremely grateful if the federal government could bring in some sort of scheme to alleviate the burden of having a huge chunk of our wages and/or savings needed to adopt a child. Some sort of adoption allowance, tax rebate or tax deductibility of fees would be fantastic. Other countries support adoptive parents in these ways and it would be a strong affirmation of adoptive families if our country would do so too. Lastly, we would like to see genuine consultation with adoptive families when government family policies are formed and when changes to the process or fees are being considered. This could perhaps be achieved by better recognition, support and inclusion in policy-making forums of the parent-run adoption support groups in each state. Frances will now make some additional comments.

CHAIR—Is it the wish of the committee that we accept the overview as an additional submission and the photographs of the Michaelson family and of Amanda Elizabeth Smith as exhibits? There being no objection, it is so ordered.

Mrs Greenough—My family is on the back.

CHAIR—That is the Michaelson family and the Greenough family.

Mrs Greenough—I am going to speak today on the purpose of this inquiry, specifically how the Australian government can better assist Australians who are adopting or who have adopted children from overseas. I am not going to address the terms of reference specifically, because that has already been done in all the submissions. I will just make some general points about how the government can assist those who are currently adopting and who have already adopted from overseas. I would like you to note that these are not just my personal experiences but the experiences of a vast majority of families that I have talked with. We all seem to be in the same boat with the experiences that we have, and they are not always positive.

First of all I would like to say that the Australian government can do a great deal, most importantly by insisting upon the primary and fundamental right of every child to be brought up in a loving family of father, mother and siblings, if any. That is the ideal. Articles 20 and 21 of the United Nations Convention on the Rights of the Child 1989 allow consideration for

intercountry adoption but only if the child cannot be suitably cared for in their country of origin and providing that the child will enjoy safeguards and standards equivalent to those in the country of origin. Donor countries live within traditional family frameworks and hold traditional family values and ideals. They desire that these ideals be upheld, their hope being that their child will be brought up in a traditional family environment such that they as birth parents are unable to provide. No intercountry or locally adopted child should ever be the subject of social experimentation, as this betrays not only the child and his or her fundamental rights but his or her birth family and birth country as well. It also threatens the continuation and future feasibility of existing intercountry adoption programs.

The Hague convention, to which Australia began working in 1998, states that a signatory agrees upon the provisions of the convention, including recognising that the child for full harmonious development of his or her personality shall grow up in a family environment in an atmosphere of happiness, love and understanding. Australia's national guidelines on intercountry adoption include amongst other things that the rights, welfare and interests of the child are paramount and that the rights and wishes of relinquishing parents are protected. Failure to adhere strictly to these fundamental safeguards makes a mockery of Australia's position as a signatory to both the UN and Hague conventions. That is the most important thing the government needs to consider. It has been spoken about before also that the best interests of the child are paramount. It is not in the best interests of children to languish in orphanages, institutional care, so every effort should be made to streamline within states the adoption process in Australia and include the involvement of non-government organisations and family representatives. All children have a right to a family and need to spend as little time as possible in institutional care.

I will now turn to the adoption process generally and the typical experiences of a lot of families. I note the absence of any intercountry adoption departmental staff here today. The first thing that needs to be considered is the elimination of dead time. There is far too much dead time in the adoption process, where prospective adoptive parents, having fulfilled the requirements of state departments, sit and wait ridiculous amounts of time to move to the next stage of the program. Applicants commonly hear: 'Your allocated social worker is on or about to go on holidays.' 'Your allocated social worker has not contacted you yet because they have several other families to see ahead of you and must complete their reports before seeing you.' 'The next education group is full. You will have to wait another X months until the next one.' 'Your social worker has not contacted you yet because of a big public event.' 'You have to wait for the report to be written—up to three months—before approval. Then a home study has to be prepared before your file is sent to your chosen country.' Et cetera, et cetera.

An increase in assessing and administrative staff as well as all required resources needs to be urgently allocated to intercountry adoption. Why should it take up to a year and most often longer for couples to be assessed or their files sent overseas? Couples have no control over how long their file waits in a chosen country before a child is allocated to them; they do have control over fulfilling their part of the department's requirements. However, despite great efforts to satisfy these requirements as quickly as possible, couples are left stranded in queues awaiting social workers and administrative processing. This is not a satisfactory service, considering the enormous fees paid. European countries adopting from India take four to six months all up—that is from expression of interest to taking their allocated child home. Should Australia be so bound up in red tape that it becomes burdensome for some couples to adopt or for donor countries to allocate children to us?

The second thing that needs to be done is to ensure that all departmental staff in their assessment of prospective parents focus on issues relevant to intercountry adoption. It is not appropriate to spend time on trivial afflictions occurring in someone's childhood that have had no bearing on their childhood or adult life. Neither is it appropriate for some couples to be given a hard time over aspects of their lives when for other couples no emphasis is put on the same issues, even by the same social worker. In my own situation our social worker did not believe that there were no divorces in my family. We were given quite a hard time about this.

Mr CADMAN—Did not believe what, I am sorry?

Mrs Greenough—They did not believe that there were no divorces in my family. They thought there was something wrong with my family.

Mr CADMAN—So you had to produce a whole family tree, did you?

Mrs Greenough—You have to produce a family tree, yes. She could not believe that there were no divorces in my family.

Mr CADMAN—You were not normal.

Mrs Greenough—It was abnormal, yes. I must note here that there are some very diligent and good social workers available.

Thirdly, we must maintain open channels of communication. Prospective adoptive couples bare their lives to departmental staff and bend over backwards to satisfy requirements. They are then left dangling in limbo, with no information as to the state of their file—whether it has been sent and/or received overseas, what the situation is overseas, whether there are any hold-ups presently in the country et cetera. A simple solution would be to give a courtesy call, say, every one to two months, to waiting couples, even if there is no further information known. Such a simple gesture would give untold reassurance to waiting couples, eliminating their feelings of isolation and of being forgotten. The same small courtesy would also be appreciated when a couple does in fact return home with their child. At present, communication tends to be very one sided—that is, parent initiated.

Fourthly, we need to shorten the post-allocation time and prevent potential post-allocation difficulties. Because Australia has such stringent medical standards—and this is a good thing—this should not work against couples who have been allocated a child. It is not appropriate for children to be allocated to families who then begin the arrangements and purchases necessary in relation to that child only to have that child fail the medical assessment, leaving the parents devastated and plans in disarray. By ensuring that children earmarked for Australia families have their medical assessments completed before allocation to a family means that no family will be placed in the devastating and demoralising position of having to wait in the queue again for another allocation. It also eliminates much time. Parents should not be required to chase visas in the allocating country, resulting in them having to remain in the donor country until acquiring the visa. This delays their flights and connections, affects their accommodation, increases costs and generally adds to the confusion and inconvenience. Perhaps more money needs to be put into the Australian embassies overseas in this regard.

Fifthly, there is the issue of eliminating judgmental attitudes of departmental staff. All departmental staff need to be educated in not imposing their beliefs onto prospective couples. It is not appropriate to be informed that a couple should wait longer before applying to adopt again, even though the stipulated two-year period has elapsed or is about to elapse. Couples with biological children do not have to wait a particular time before adding to their families. If another child comes along sooner than they plan, they just have to live with the shorter age gap. Adoptive parents must comply with a two-year age gap as well as being told, 'You wouldn't want another child with this personality so soon because you would be too busy. You've got two children already—are you sure you want another? Are you ready for another? Why would you want another?'

ACTING CHAIR (Mrs Irwin)—I find what you had to go through shocking. That is virtually what you stated in your submission—that that is where the discrimination is coming back into it.

Mrs Greenough—I do not think I stated this in my submission.

ACTING CHAIR—No, not all of it—keep going. I am just saying I thoroughly agree and I understand your concerns. It was one of the questions I was going to ask you, because you stated a number of things in your submission regarding red tape, frustration, stress and so on. You may have heard a number of parents who appeared before us earlier who also stated that they felt they were being discriminated against. I thank you for restating that. Where you say 'discrimination', it seemed you were saying it was because you do not come from a divorced family or because of the time limit to wait for your next adoptive child.

Mrs Greenough—Yes, this is our experience.

ACTING CHAIR—That is shocking. Keep going.

Mrs Greenough—Adoptive families have no control over how long they wait for an allocation, and most do not want too great an age gap between their children. They do not need judgmental age attitudes or any other staff personal opinions imposed on them.

The next issue is that of eliminating repetition for couples wishing to adopt again. Currently couples wishing to adopt again have to submit to the same process, minus the education group, as they did with their first application, resulting in much duplication of paperwork, frustration, intrusion, cost and time wasting. Perhaps the number of social worker visits can be reduced as the assessing social worker really only needs to ascertain if the family circumstances such as health and financial situation have changed since the original assessment. She already has details of how the first adoption has progressed, having completed the required four post-placement visits and reports. Adoptive parents applying for a second time should not have to prove themselves again. The question must be raised: is this just revenue raising?

The next issue is that of educating the public to reduce or remove the stigma attached to adoption in Australia. It is most unfortunate that a legacy of unmarried motherhood of past years resulting in babies being removed from their parents or their mothers and being put up for adoption still remains and continues to taint the concept of adoption in Australia today. With single motherhood so well supported these days there are many children who in their very best

interests should have been placed in adoptive families but instead are suffering immeasurably because of their presence in dysfunctional environments. Adoption, having been painted so negatively, is probably not considered by these mothers or, if it is considered, is given bad publicity. It is also so ironic that somehow in our civilised Western society it is okay to kill your child instead of giving him or her the opportunity in life via adoption, especially when there are so many infertile and other generous couples here in Australia. Australian governments particularly should do all they can to reverse this sad trend by raising the profile of adoption and making sure that it is a genuine, honourable and esteemed option available to all women faced with an unplanned pregnancy. The promotion of adoption can only be in the best interests of women, children and our society.

The next issue is that of ensuring that there are appropriate accountability measures in place. Presently parents feel powerless dealing with adoption authorities and fear jeopardising or delaying their application if they ask too many questions. This is reinforced by the one-sidedness of communication channels. Currently there is no post-adoption evaluation process available to parents where they can comment on their adoption experience, give constructive criticism or make suggestions as to how the process can be improved. Feedback, whether positive or negative, serves to raise the standard of service provided. Quality assurance is a necessary part of any service. For this service parents pay a huge price without recourse.

Today we have heard a lot about reimbursement by way of tax rebates and deductibility. The costs involved in intercountry adoption, as per the significant number of submissions to this inquiry, are a huge hurdle for adoptive parents. Generous government assistance to those currently adopting a child from overseas, as well as equivalent reimbursement for a couple's previous adoption, would not only raise the profile of adoption significantly but would also give some recognition to the great struggles of adoptive families.

I would like to commend you on the instigation of this inquiry, and I hope that the presentations and submissions here, and in other states, will contribute to major changes in the Intercountry Adoption Service. The joyful face of a content, secure and adored child is the greatest reward for any parent, but more so for those of us who have had to make enormous sacrifices to hold a child of our own. With so many children without families in Third World countries and so many generous couples without children here, let us do our utmost to bring the two together, for the betterment of the children, the waiting couples and society as a whole. I will finish with a quote from the sister in charge of my daughter's orphanage.

We do our very best here for all the children who come to us, but she needs a family not nuns. We cannot be family for her. We are so grateful that you accepted her as we did not think anyone would take her. We did not think she would ever have a family.

CHAIR—Is it the wish of the committee that the document be accepted as evidence? There being no objection, it is so ordered. Thank you for that very moving opening statement. There was very moving testimony given to me in Brisbane by a mother who had adopted a little Chinese girl. She went to see the policeman who had found her daughter on the doorstep of the police station. She said that the Chinese policeman burst into tears. He gave her a hug and a kiss and said, 'Of the 27 babies that I have found in this way, you are the first person to come back and tell me about that baby.' Every three months they send him a photograph and keep him

updated on what is happening because they think of him as a kind of uncle. I thought it was a very nice story.

We have heard about the changes you see as necessary. Have you also thought about the need for Australia to develop a relationship and agreements with countries outside the ones we already have agreements in place and have begun negotiations with? I am thinking of Russia, for instance. Have the groups you associate with thought of the need for further agreements to be negotiated, even though Russia has not ratified the Hague agreement?

Mrs Michaelson—I personally feel that would be very beneficial. Wherever there are children who need families, and Australia has the resources to help those children find families, then I think that would be great. Some people have particular links with Russia, for example, and other countries, and they would dearly love to be able to adopt a child from those countries and are just not able to because our system does not allow for that at present. I guess it is just a matter of resources, though, isn't it?

Mrs Greenough—Particularly from countries where there are so many children available. Russia has many thousands of children available. Perhaps more resources need to be put into instigating programs with these countries rather than small countries which do not have a huge number of children available internally or for intercountry adoption.

CHAIR—With regard to China, we were given a figure in Brisbane of several million children available for adoption, yet they are obviously very careful and they choose selectively how many children may come to Australia. It is interesting that South Korea only deals with America and us.

Mrs IRWIN—In your submission, I think, Jenny, it says:

... social workers seem to be instructed that they have to make sure prospective adoptive parents have given up all hope to have a biological child before they adopt.

Is this one of the questions in this sea of papers that you have to fill out? Have you got to prove to a government department that you cannot have a child?

Mrs Michaelson—Yes, that happened to me. I should state that we have a very good relationship with our social worker, whom we genuinely respect. On our first assessment—and we have now been assessed three times because we had a surprise biological child in between our first and third assessments—

Mr CADMAN—They allowed you to have that child?

Mrs Michaelson—We did not have much choice! Our social worker felt that she was in the position that she had to make it quite clear to us that we had chosen the adoption path rather than still having any hope that we might have a birth child. She said that she needed to make that clear to us because that had to be made clear in the report that she would give to the department. We explained to her that we were fully committed to adopt; that, even if we had birth children first, we would still like to adopt a child after that; and that we had come to the conclusion that it was right for our family, whatever happened and whether or not there were birth children. I feel

that it is not looked upon well in the department if you still leave an option open for your family, if that is an option.

Mr CADMAN—Did you have to produce medical evidence that that was the case?

Mrs Greenough—Yes. You have to have signed medical reports saying that you have finished all your treatment if you are having any and what the problem is if you cannot have any children naturally.

Mrs IRWIN—What happens if you write down that you could have children naturally, but you do not want to. You want to adopt from overseas?

Mrs Greenough—I do not know how well that would be looked upon.

Mrs IRWIN—Do you feel the application would be rejected? That could be discrimination.

Mrs Michaelson—I am not sure, but if you do have a biological child, like I did a couple of years ago, you then have to wait a certain amount of time before you are allowed to adopt again. Even though we had been approved for a second time, we had to go through all the process for a third time, because we were still committed to that second adoption. Basically, the gap between children coming into your family is determined by the department. We could beg or plead if we wanted to, but we have to adhere to whatever they decide, which is usually a two-year age gap.

Mrs IRWIN—So it is two years?

Mrs Michaelson—Usually.

CHAIR—Do they have a policy on sibling adoptions?

Mrs Michaelson—They do have sibling adoptions.

Mrs Greenough—You can nominate to adopt sibling groups, and they are usually older children. That is encouraged if people are happy to adopt siblings.

Mr QUICK—In the submission—I am not sure, but I think it is yours, Jenny—under point 3 you talk about government assistance in disseminating information. The government advertises ad nauseam on TV for just about everything. Wouldn't it be great to have flashed up on the screen, on Channel 7, the words: 'If you are thinking about adopting a child from overseas, ring 1300. Information will be sent to you. The quotas are: 300 from China, 200 from the Philippines et cetera. Once again, ring 1300.' What do you think would happen if we did something as radical as that?

Mrs Michaelson—I think something definitely needs to be done. I could list quite a number of parents who have not even heard about the maternity allowance being available for children up to two years, which just came in recently. Other families who come to our playgroup had not heard about the family tax benefits A and B because they had not been given a bounty bag. They did not have a clue that they were entitled to these things. Whether that information comes through the state departments or the federal government, I do not know, but somehow it needs to

get into the hands of adoptive parents because we are just not told things. Basically, once we have our child, we have our post placement visits by our social worker and that is it really.

CHAIR—How long do they go on for?

Mrs Michaelson—A year.

Mrs IRWIN—What happens in those? Can you explain that? Are there various visits to the family home?

CHAIR—They do not look in the cupboards again, do they?

Mrs IRWIN—I find that appalling.

Mrs Greenough—They will probably check that you have guards across the stairways and things like that.

Mrs Michaelson—And that your garden is fenced off appropriately and those sorts of things. They are generally no hassle. The social worker will come along and basically just talk to you about how it is going, how the placement went and how you felt when you received your child. They will ask you if there are any problems you are going through. I think that is a good thing to do. So it is basically keeping an eye on us for a year.

CHAIR—Do they do anything to help you? If you say, ‘I have a problem with X, Y or Z; can you assist me with this?’ will they do that? Are they useful in that way?

Mrs Michaelson—I have not had to do that. I am not sure if they would. They certainly strongly encourage you to seek extra help from community services or a health nurse if you need it. They definitely encourage that. I am not sure how much actual help they give. It is more assessing you to see how you are going.

CHAIR—In other words, it is part of the ongoing punitive nature of that department, because what they are really on about in that department is dysfunctional families. They are looking for child abuse, and that would become their norm. Isn’t that a problem? The norm for them is a dysfunctional family and you are normal.

Mrs Michaelson—We are very much made to feel as though, as someone said before, we are the guilty party and that they are doing us a favour. It is very hard to take. I am a primary school teacher by trade. I feel like I have an average education. I am an average person. Under all other circumstances I would have had an average Australian family but now, because of this path I have chosen to go down, I am not average any more and I have to be scrutinised. Every detail of our lives is gone into when we are assessed—our extended family lives. It is very intrusive. To be perfectly blunt we get asked what our sex lives are like.

CHAIR—I did not see that in the Hague convention!

Mrs Michaelson—It is true. To get through the adoption process you really have to open up your whole life and be prepared for other people to see everything. If you cannot do that, you do not get through.

Ms KATE ELLIS—I have a question about the approval processes. Basically, we have been pretty amazed hearing about parents that wish to adopt flocking to the ACT or Tasmania. We heard a story today about a South Australian moving to Victoria. In Queensland we heard that they are going anywhere except Queensland. I am curious, from your personal experiences, whether there are parts of the Victorian system which you think should be adopted—

CHAIR—Or applied.

Ms KATE ELLIS—in other states. Are there are particularly good parts of the system in Victoria? And the opposite—are there are things in Victoria which you wish they would get rid of and then introduce measures from other states instead?

Mrs Greenough—We would certainly want the openness and availability of the Intercountry Adoption Service all the time for contacts and that—not just being open, as it is in Queensland, for short periods of time and then closed for years. You would not want that at all.

Mrs Michaelson—As a positive, I feel that the education groups were very beneficial. I know that there are different views on about but I found that they really prepared us for a lot of the issues that we as adoptive parents and our children could potentially face. It is a shame that people now have to wait nine months to get into these groups, but I do think Victoria is, in general, doing them quite well, particularly with some of the people who are running them and are very good—very approachable and very understanding.

Mr QUICK—Does the Intercountry Adoption Service force you to use a particular travel agency if you are going to India?

Mrs Greenough—No.

Mr QUICK—I heard evidence today that, if you want to go to China, you have to use a particular travel agency and that is the only one you can use if you want to adopt a child from China.

Mrs Greenough—That is like a package arrangement. Because they are done in batches, the whole group of families go together, so it is easier to arrange all the accommodation and flights together and so they do it through an agency.

Mr QUICK—So China you just go on your own.

Mrs Greenough—No, that is for China. In India you do your own thing.

CHAIR—We heard some evidence—I think I heard it at international day when I was in Queensland last week—that when a batch of parents go together and are adopting children from the same province, they tend to bond together and regard the children as cousins. The parents become quite close, and they find that is a terrific backup for them.

Mr QUICK—And good support, if they are having a bit of a hassle.

CHAIR—So the batching process is probably a good feature.

Mrs Greenough—China tends to allocate in batches. They accept files in batches and they allocate that group of families in batches. So that group will always be together, whereas for India and other countries it is just an allocation here from this orphanage, another one from that orphanage, or two or three from that one.

CHAIR—But their central agency picks which orphanage?

Mrs Greenough—Sorry, in India or China?

CHAIR—In India, for instance. Do they have a central agency?

Mrs Michaelson—No.

CHAIR—But China has a central agency.

Mrs Greenough—Yes. We nominate an orphanage and our file goes to that orphanage.

CHAIR—You actually nominate the orphanage?

Mrs Greenough—Australia works with several orphanages in various parts of India. We nominate an orphanage.

CHAIR—Who is responsible for looking after India under our hodgepodge system? I will just have a look. Okay. South Australia is responsible for India. The program is active and South Australian departmental people have been there quite often; they were there in 2001, 2002 and 2003. The Department of Human Services in Victoria has also been there.

Mrs Greenough—I stand corrected. There is a central agency in India. It is called CARA. We nominate the orphanage to which our file goes and they oversee it. I think that is right.

Mrs Michaelson—As we said, we are only average parents. We do not know everything.

Mrs Nagesh—I want to help Frances with those few questions on India.

CHAIR—Perhaps you could tell us about India.

Mrs Nagesh—I have coordinated the Indian adoption program for ICARN for the last 15 years. I have done 27 trips to India in that time. There is a central agency in India, CARA, which is the Central Adoption Resource Agency in Delhi, but unlike China, Korea, the Philippines and Thailand the families' files go directly to an orphanage. They wait for allocation and, after allocation, the central agency approves the child and the family for an intercountry adoption.

CHAIR—Who sends the file to the individual agency?

Mrs Nagesh—Each state sends the file to the individual—

CHAIR—Under these arrangements, South Australia is responsible for India, even though Victoria has trotted off over there. Are they adoption agencies or orphanages?

Mrs Nagesh—Agencies or orphanages—whatever you want to call them.

CHAIR—Let us call them orphanages. How many orphanages has South Australia established contact with?

Mrs Nagesh—I cannot give you figures on South Australia. I think you will find that Victoria actually has the biggest Indian program and has had for the last 25 years.

CHAIR—So Victoria actually has direct relationships with a number of orphanages?

Mrs Nagesh—Yes.

CHAIR—Do you know how many?

Mrs Nagesh—We work with seven. A family's file can go to any agency in India if they are licensed for intercountry adoption, and there are 71 agencies in India licensed for intercountry adoption.

CHAIR—We only have seven in Victoria. Maybe there are more from South Australia—we do not know.

Mrs Nagesh—I think South Australia only work with two or three. One of them I do not think they are working with any longer either. But, as long as the agency in India is licensed for intercountry adoption, if a family comes along and says, 'I would like my file to go to this agency,' the Victorian government will approach that agency. But what we have found over the years is that Australia is way down under and difficult to work with. So in Victoria we have only been able to establish these seven orphanages that we work with closely. They have all, bar one, been set up by the adoptive parents support group. We have been working with most of them for over 20 years.

CHAIR—This is quite a difficult area. According to our stats, in 2003-04 there were 10 adoptions from India. Two went to New South Wales; six went to South Australia, the managing state; none went to Victoria; none went to Queensland; none went to Western Australia; none went to Tasmania; none went to the ACT; and two went to the Northern Territory.

Mrs Nagesh—You need to speak to Helen Brain at the department about the stats because South Australia's stats were based in one particular year, ours are based on the fiscal year and they did not overlap. Everybody who read that statement said, 'Victoria's had no adoptions!' We have had a number of adoptions.

CHAIR—So they presumably fall into the 2004-05 year?

Mrs Nagesh—Yes, some of them will. We may have many more on our books this year, but I do not think we will. I think what we have to reiterate here too is that often the reason we do not get children quickly is to do with the country, not so much our department at times. As to India, we are in a bit of a go-slow at the moment because courts have been closed in Delhi and all sorts of things. Frances has got caught up in that. But that may change next year. But there is a time line on those stats that was Victoria's and South Australia's—

CHAIR—In other words, what you are telling me is that these stats are put together by the individual states and there is no coordination of them at all?

Mrs Nagesh—I believe not. As I said, you would need to speak to Helen Brain about that. I think one of the really disappointing issues of today is that there is nobody from the Victorian department here to listen to us.

Mr QUICK—There is no-one from the Queensland government despite the fact that they gave us a 120-page submission. They are too frightened and embarrassed to be asked questions.

Mrs Nagesh—I would have to say that Victoria is way ahead of Queensland. Please do not put us in their category, because I think their problems are very different from Victoria's.

Mr QUICK—But it is ridiculous that there is not a consistent national approach to the collection of data.

Mrs Nagesh—I agree.

Mr QUICK—It is not just in overseas adoption. It is in coroner's reports, suicide reports—you name it. The states, territories and the Commonwealth each have their own designs and plans. No-one knows what is going on.

Mrs Nagesh—Having been to most international conferences on adoption held over the last 20 years in Australia as well as attending most of them in India and the Philippines, I have to say that I think that, in spite of many things that you have heard here today—which are all true; I am not saying that any of them are not true—our Victorian department probably leads the field. But the truth is that there are things that need to be more consistent within each state. Certainly a lot of improvement could be done in our department too. I do think that the comparison between Victoria and Queensland is as far-fetched as you could get.

Mr QUICK—If you were the minister for the department responsible—

Mrs Nagesh—Thank God I am not!

Mr QUICK—with 20 years' experience—we are talking about 8.2 people here and they are all part-time, so you never get any consistent answers to any questions—do you think you need a staff of 20 in each of the states to have some consistency and flexibility?

Mrs Nagesh—Not being a bureaucrat, I would not know that. I am just an adoptive parent and I have worked in a voluntary capacity.

Mr QUICK—You would probably have more expertise!

Mrs Nagesh—You mentioned the ad on television. Our department advertises in the *Age*. There are a couple of other girls here who were at the intake meeting on Monday night. People reply to the advertisement in the *Age* to come and hear about the first steps to see whether they would take on intercountry adoption. There was standing room only. I think there were 160 registrants. On that night there was about a 50 per cent drop-out. But, even so, if you look at those figures, our department, with a staffing of 8.2, is not going to be able to assess those people for some considerable time.

CHAIR—That sounds like a budgetary constraint.

Mrs Nagesh—It is.

CHAIR—It is within the department, and whoever is running the department allocates this particular budget to this particular function. Presumably, if you had 20 people running it, not on a part-time basis and with some consistency, you would have a much more efficient processing of work.

Mrs Nagesh—Absolutely. My daughter is 21 but, because I coordinate the Indian adoption program, I ring the department very often—maybe three or four times a week, sometimes three times in one day. I think what we all get and what these families here would be saying is that we are always being told, ‘We are too busy; we can’t do that now.’ Often they are very important questions that you are asking or there are important steps that need to be taken. The biggest issue I would see for Victoria is the staffing issue.

CHAIR—We heard in Queensland that, if there is a hold-up with a file and it just is not being dealt with, the Queensland departmental people will not make an inquiry; they will not try and find out what the problem is. In some cases they have found out the file has been sent to the wrong place, and that ultimately turns out to be part of the problem. But they will not be proactive in any way. Is that a complaint you have in Victoria, or do they follow up? I am seeing body language out there that says that they do not follow up!

Mrs Nagesh—I can only speak for the India program. I guess the Indian program runs a little bit differently to the programs for China or Korea. The Indian program deals with individual orphanages and, as the program manager for ICARN for India, I ring the organisations quite regularly—for instance, on behalf of Frances and Jenny, who are on the ICARN Indian adoption program—and say, ‘What is happening with so-and-so’s file?’ There is a real confidentiality there, because naturally, if the organisation has a child that is going to be allocated to Frances, it has to go through the department and I have no knowledge of that. But I can do just a regular update and ring Frances and say, ‘They haven’t got any children clear at the moment, but I’m sure it won’t be too long.’ I think that probably within other programs very often there is not the ongoing communication about where people’s file is at what time.

Mr QUICK—So if we supported these support groups with a Commonwealth government grant—we support a whole lot of other groups—they could put out newsletters and have email contact and do all those things, which would take the pressure off the department anyway.

Mrs Nagesh—These support groups have traditionally always done that, but in certain programs—like the programs for China or Korea—because they are so government-to-government orientated I do not know that you would ever get that same sort of thing. But the reality is that, with more money, more things can be done.

Mr QUICK—With India, for example, you say you ring Delhi, Madras, Mumbai or wherever it is and then you say to your support group, ‘There are 16 kids in the pipeline.’ They can then just ring up the department and say, ‘I understand there are 16 kids.’ Then they may be asked, ‘How do you know?’ and they can say, ‘I know it for a fact.’ It puts the pressure back on the department to extract the digit and do something useful. Both sides win.

Mrs Nagesh—I think that to a certain extent—and again I am only speaking about India—the organisations in India will allocate the child to the family as soon as they have got a child available. So pressure from a department here is not going to make any difference to what is going to happen in India once their file has gone. But I think that families who are paying such huge fees should be able to get ongoing information, even if it is only a phone call to say that nothing is happening at the moment. I think that is important.

Mr QUICK—The Intercountry Adoption Service here in Victoria paid a Chinese resident to liaise with the CCAA when it comes to Chinese adoptions.

Mrs Nagesh—They should do it for all countries.

Mr QUICK—That is right. The Americans get a 12-month turnaround. Here it is three or four years if you are lucky. So it is money well spent and all the customers are happy and the kids get processed and are out here a hell of a lot more quickly and easily.

Mrs Nagesh—I think the process this end needs to be tightened up. It would still have the constraints of going through the correct process but it would mean tightening up the time line here and allowing the file to get to the country where it is going to so that it is not sitting on somebody’s desk here for three weeks, waiting to go to a notary.

Mr QUICK—Would you also recommend that every application gets a file number? It does with Centrelink, Medicare and every Commonwealth and state government agency except the adoption agency, ICAS. They do not give you a file number. Should it be prescribed that when you apply you get a file number so that at least you know where you are?

Mrs Nagesh—I do not know that a number would make any difference, would it?

Mrs Greenough—I do not think so. You are still a name, aren’t you?

Mrs Nagesh—Each country’s file is dealt with by different people in the department. For instance, we might have one social worker or supervisor in the department dealing with India and the Philippines and another supervisor dealing with China, Thailand and Korea. If there are a lot of allocations from those countries that social worker or supervisor is going to be really busy whereas the one dealing with India and the Philippines may not be as busy. So it is not about a number.

Mr QUICK—As a worker I could be dealing with 17 files, but there could be I/27005 or C/16005. At least you know that you have a number so that, for example, if Jenny rings up and says, ‘How’s the file going with India?’ they can ask: ‘What’s your number?’ Then she might find that she is 14th in line. You can ask: ‘How long is it going to take?’ The answer might be: ‘Another six months,’ or ‘It is being processed in a batch now.’ At the moment the evidence is that no-one knows where you are in the great scheme of things. If you upset the applecart you go to the bottom of the pile. That is their way of punishing you and keeping you quiet and subservient. It is a very counterproductive, frustrating, almost divorce like situation for lots of couples. You should not be put through that wringer.

Mrs IRWIN—I think it is similar to migration to Australia. If you are applying for spouse migration, child migration, a visitor’s visa or whatever, you get a file number and you have an idea of where you are. If you were applying to sponsor a partner from overseas you would have a file number which started with N05, which shows that it is 2005, then the rest of the number. You can get straight on to the department and they can call that number up and tell you how everything is progressing and where you are in the queue for interviews from the overseas post.

CHAIR—Would you find that helpful?

Mrs Michaelson—I think they probably know us all well enough personally that they do not need the number.

CHAIR—That is a danger. They might prefer you to somebody else. Thank you very much for joining us and thank you very much for your submission.

[3.24 pm]

BOTTRELL, Tobias Neil, Private capacity

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

Mr Bottrell—I am here in the capacity of an adoptive parent.

CHAIR—I ask the secretary to swear the witness.

Witness was then sworn or affirmed—

Mr Bottrell—I will just give you a bit of background. I have three biological children and I now have two adoptive children. At the time of my submission, we only had one adoptive child.

Mrs IRWIN—Congratulations on the second who has just arrived.

Mr Bottrell—We will come to that; the second came in different circumstances. The first child, Ermias, aged two, is from Ethiopia. The second child, Tim, aged eight, is from Hong Kong. You have heard all the other things about departments. I will keep my short speech to the two criteria that were in the terms of reference.

To start with the inconsistencies between the state and territory approval processes, I can only mainly talk about the Victorian process. The only other information I have gleaned is from people I have spoken to from other states who have gone through the same process. The main two things, which I am sure you are well aware of now, are the costing and the time frame. These are the two things I think should be looked at by the committee, hopefully. With respect to the time frame issue, our first adoption took over two years, not from the start but from when we were in the system until we got our son. The second adoption took two months. So this shows how quickly the department can work if they have to work.

CHAIR—With or without an iron lung, you mean!

Mr Bottrell—All I will say about the second son is that he was already within Australia and the department contacted us to see if we would take over the adoption process.

CHAIR—Was this an adoption that had gone wrong with somebody else?

Mr Bottrell—That is right. But we still had to go through the complete process that we did for the first child.

CHAIR—So you were the reallocation from the breakdown?

Mr Bottrell—That is right. But we still had to do all the things we did for the first adoption the second time.

Ms KATE ELLIS—But that would be breaking their own rules, wouldn't it—adopting out of birth order?

Mr Bottrell—There are no specific rules, I do not think. We had already approached the department, just verbally, to see if we could adopt an older child, because of what we had seen in the country we had already been to. They did say, 'Oh, um,' but they did not say that we could not do it.

Ms KATE ELLIS—I will let you get back to it; sorry.

Mr Bottrell—They are the two inconsistencies in the approval: the time frame between states and the costing between states, basically. The second term of reference is:

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.

An obvious one now is the baby bonus. You can get the baby bonus if your child is under two when you receive them; you cannot get it if they are over two. I think you still have a new—

CHAIR—Hang on; it is a vast improvement over what it used to be.

Mr Bottrell—I know. We did not get the first one, so I understand that, but you still have lots of costs when a new child comes into your family. A second inconsistency between birth and adoptive children is what you will have to do when you adopt a child of whatever age. Not only do you have to undergo lengthy assessment processes; you are also charged a fee for doing so. You would not have to do this if you were having a birth child.

Thirdly, it is mandatory in Victoria that one or both parents take 12 months off following the adoption of a child. These days, where most households are dual income, this is another inconsistency between birth and adoptive children. In our case, our birth children were cared for while both my wife and I worked. That is another cost to the adoptive family, due to loss of income while the person stays at home, obviously. And, if an adoptive child is over five years old, you cannot receive adoption leave—another problem for the adoptive parent. So in our case, with the seven- or eight-year-old son, the adoption leave cannot be granted.

Fourthly, due to the government raising the Medicare safety net threshold that they promised us at the last election—an allowance to families which incur extra costs, especially for children coming from Third World countries, where our first son came from—that has now brought us back under that safety net. Although you could have a problem with the birth child as well, the safety net has affected us. Also, as part of the adoption process, we have to see a paediatrician and, as our son is from Ethiopia, that is quite a regular occurrence, so it is a cost incurred every month or so. That is another cost for the adoptive parent.

In conclusion, in my opinion the state and territory inconsistencies could be overcome by having one body regulating a national intercountry adoption service. As there are only

approximately 400 to 500 adoptions per year, this should ensure consistency in time and, hopefully, costs. However, if the Australian government wish to support intercountry adoption, they should lower the costs involved to allow Australian citizens from all walks of life to enter the process. At present, the high costs are prohibitive to lower income families that I believe could be just as good parents as me or anybody else.

Regarding benefits and entitlements, I believe there should be a separate adoption benefit payment rather than one associated with the birth child. It is hard to compare a birth child scenario with an adoptive child scenario, when the age of an adoptive child can range from three months to nine years. Many costs have been incurred before the adoptive child actually arrives in your family. In my opinion, having had three biological children and two adoptive children, there is no comparison.

CHAIR—Thank you. You had three biological children and you chose to adopt two more. What was the reason why you wanted to do that?

Mr Bottrell—My wife and I spoke after we had our three children, when the youngest one was probably 10 or 11. My wife thought she would like another child and I had read an article somewhere regarding intercountry adoption. I said, ‘Maybe we should look at this process.’ There are lots of children around the world who do not have a family who may need a loving family—hopefully us. But at the time I did not realise the length of time it would take, I must admit. My youngest son is now 15.

Mrs IRWIN—Then there is the cost. You quoted \$30,000 in your submission?

Mr Bottrell—That is right.

Ms KATE ELLIS—One of the other things I found quite moving in your submission was the tale of your experience in the orphanage when you went to Ethiopia. Could you explain to us a little bit more what you saw there?

Mr Bottrell—You do not really know what to expect. I have been in other Third World countries and I know that they are not great places to be in, especially if you are a young child without a family. Firstly, we went just to pick up our son. We woke up, off we went and we picked him up. We flew at night. The first thing was very organised. We were led into a room—‘There you are, off you go.’ But my wife and I arranged to go back to visit the orphanage. I went back there to play with all of the kids. I took footballs, basketballs and whatever with me. We were shown around the orphanage and, as you said, there were hundreds of babies just lying in the corridor, wrapped up. You cannot drink the water. What they do with the little they have is really quite amazing. I spent a whole day just playing with the older children. As soon as you walked in there, the children wanted you to take them. They wanted a mum and a dad. That is why we were looking at adopting another, older child. These kids do not care whether you are rich, poor or whatever. They just want to be in a family and that sort of affects you when you are there.

Mrs IRWIN—You said that you had a second adoption application in. Was that, again, for Ethiopia?

Mr Bottrell—No, for the second child the department actually contacted us.

Mrs IRWIN—But you had a prior application—

Mr Bottrell—No. Because you have to wait a year between adoptions, even our first son is not legally adopted yet, although the process is in place. I just spoke to the department and said, ‘If we go back, can we bring back an older child?’

Mrs IRWIN—What did they say to you?

Mr Bottrell—They just ummed and ahed and did not say anything. I said, ‘When the year is up, is it all right if I apply for that?’ They said, ‘Yes, you can apply.’

Mrs IRWIN—But you got a telephone call from the department when there was an eight-year-old on Australian soil.

Mr Bottrell—The boy had been brought from Hong Kong—

Mrs IRWIN—into Australia.

Mr Bottrell—in February. His adoption had fallen through. The department then contacted us to see if we would take over the adoption of that child.

Mrs IRWIN—What sort of support did you get from the department, especially with the eight-year-old compared to—I think your little boy was 15 months old?

Mr Bottrell—Yes, we picked him up when he was 15 months old.

Mrs IRWIN—In June 2004. What sort of support did you get for your first adoptee compared to your second one? Imagine what that eight-year-old boy is going through. From a psychological point of view, are you being given assistance for counselling and that sort of thing for him?

Mr Bottrell—No. There is nothing from the department for either adoption. There is no support. Like everyone has said in the past, all the support comes from the parent groups.

Mrs IRWIN—From the support groups.

Mr Bottrell—Yes, and Hong Kong is very small. I think there have only ever been 10 or so children allocated to Victoria from Hong Kong, so that is really very tiny. Basically if a parent sticks their hand up to be the adoptive parents, they are it. There is not a big support group there but we were involved with the Ethiopian group.

Mrs IRWIN—They know how to handle it. I am just saying that I thought there might have been assistance given by the state because we are talking about an eight-year-old child that was adopted by one family who, for unknown reasons, did not want that child and then given into the hands of a loving family. How are you coping with that? It must be hard. That is why I am asking about any assistance with counselling and that.

Mr Bottrell—It is going better than I thought it would do. He is a lovely lad for what he has been through. He has been passed on three or four times now, I suppose you could say, within Hong Kong and then Australia. He is in a normal school now. His language, in my opinion, is very good for a guy who has just been brought to Australia. He is in a normal school and he seems to be getting on really well. It is working out better than I thought it would.

Mr QUICK—We heard evidence about some of the hoops you have to jump through. What about when the eight-year-old started school? Was there any sympathy or advice? Was it a smooth process to get him into school? Do they support him?

Mr Bottrell—We did have a problem because the name on his passport was his Hong Kong family name. We were going to call him Tim Bottrell, obviously, rather than his Hong Kong name. The school did have an issue there, but we arranged a letter from the department and then the school had no problem. They listed him as Tim Bottrell. That was the only problem with the school.

Mr QUICK—He was obviously an Australian citizen before, so you do not have to worry about—

Mr Bottrell—No. I do not think he will be until we fully adopt him in a year's time.

Mr QUICK—How long has he been in Australia?

Mr Bottrell—He came here in February.

Mrs IRWIN—This is a question that I have not asked anybody else who has come before our public hearings, but you have the eight-year-old now at school. I suppose there are a few parents that are here who have adopted children who are in the school system. It was quite funny, when I was picked up from the airport on Monday evening to come here for the two days of public hearings, I got into a conversation with the driver who picked me up and I said that I was here for two inquiries: balancing work and family, and overseas adoptions. He said, 'I didn't know about it. My son actually did a thesis, and he adopted two children from Ethiopia.' The proud grandfather had to get photos out and show me. He also said that they felt that, when the youngest child started school, within the system and also even within the school environment, they were discriminated against, or the child was. Have you found that at all?

Mr Bottrell—I have not really come across any great discrimination. I do not know whether they are or not in the classroom at school, but in the process of getting them into school, child groups and such I have not come across any discrimination.

Mrs IRWIN—Would you like to make any comments about the service standards of the various government agencies that you have dealt with? We need to hear complaints or changes that you would like to see made.

Mr Bottrell—I work in the service industry and run my own business, and, if I supplied the customer service the department does, I would not have any customers. Let's put it that way. I think they have customers because it is on a need basis. You were talking about the numbers of the files; that is a good idea. I even thought that in this day and age, if you had a password or

your file number, you may even be able to log onto a web site and look at what stage your file is at, or something like that. I would have thought that would be quite easy to set up, log the data in and update it every two months or whatever.

Mr QUICK—Our kids do it when they look up their university results.

Mr Bottrell—I understand that you do not want everyone in the world looking at it, but I am sure there are secure methods that could be put in place to do that. I do not know whether, like you say, it is a problem with staffing levels, but as a customer on the other end of the phone or at the other end of the process I do not think the service is great. Let's put it that way.

Mr QUICK—With 20 million orphans around the world—you went over and saw it first hand; we saw the terrible pictures of what happened with the tsunami, and we raised hundreds of millions of dollars in a couple of weeks and poured it over to the various countries—do you think some of our aid ought to be directed, in an interventionist way, to support some of those orphanages, rather than given in some other form like we currently do? It is not part of our inquiry, but as an ex-teacher some of that support is small in dollar terms but the benefit for those kids, and their social development, might make a hell of a difference before they get adopted out, if they ever do.

Mr Bottrell—I believe that, of course, those orphanages would appreciate anything they get, however small an amount, and it would benefit the children within those orphanages.

Mrs IRWIN—I found it amazing—I hope it was in your submission; we have read so many—was it your wife went to Medicare and found out that she was a day or two days late to claim for an immunisation benefit, and she did not get it.

Mr Bottrell—That is right. Our child had the all-in-one injection, which cost extra, for obvious reasons—

Mrs IRWIN—About \$200 I think you are looking at.

Mr Bottrell—That is right—so he could catch up on his immunisations. When he arrived here, we found out that there was no trace of the immunisations they said he had had, so he had to catch up with those. My wife was in the queue and saw a pamphlet saying that you can claim, but he was five days over the two-year limit, so she missed out on that as well.

Mrs IRWIN—There was no information given to you as a family to tell you what you are 'entitled to' or what the benefits are that you can look for?

Mr Bottrell—This is a big issue. The support groups, which are all voluntary, I believe, give you information packs, and they do a wonderful job. The government department gives you absolutely nothing. When you arrive back, there should be something stating what you have to do and what you can and cannot claim with an adopted child. There is basically no information from the government department.

Mrs IRWIN—Prior to even arriving migrants get packs telling them what they are entitled to in this country. They get those through our overseas posts—our embassies and so forth. But when you are adopting a child from overseas you get nothing?

Mr Bottrell—No, not from the government.

Mrs IRWIN—So you would like to see some sort of kit to say what you are entitled to?

Mr Bottrell—When the four ladies from the voluntary parents' groups were here, they said that they would like to talk to and liaise with the government. That is a very good suggestion.

Mr QUICK—On behalf of all of us, I would like to thank you for coming along today. We really appreciate what you do. Because we have not gone through the process, we cannot imagine the angst and the frustration that you must feel, or the joy and happiness when you have the kids. They are happily playing up the back there, just like normal kids. We will try and do something.

Mrs IRWIN—I will ask one quick question. You stated in your submission that adoption was an emotional roller-coaster ride for you. You have three biological children. What is the difference between the roller-coaster that you went through to adopt from overseas and having three biological children? You do not have to go through the red tape, of course.

Mr Bottrell—That is right. Luckily for me, the biological children came very easily.

CHAIR—That is spoken like a man.

Mr Bottrell—The last time I was in this room it was for a comedy festival! When I had my first child, I did not know how to be a parent. I had no training

CHAIR—None of us did.

Mrs IRWIN—No, none of us did. I am finding it very hard at the moment to think that I am a grandmother. I thought I would never sleep with a grandfather—I will not admit that I am sleeping with a grandfather, but I am happy to be a grandmother. I know what you mean.

Mr Bottrell—When you have a child you see the baby at first-hand. In adoption, at first we did not even get a photograph. We just had two lines saying, 'Would you receive a 15-month-old?' That was it. The photograph came probably two or three months after. There is that emotion in knowing that that child could be ill and there is not much you can do. We did not have much contact with the country, because it is a Third World country. You would send money if they were sick so they could get them medication or whatever, but you do not know any of that. Then you have to wait that period of time until you can go there. So your emotions are really—

CHAIR—The child will not have any genetic history of his family—about their illnesses or anything.

Mr Bottrell—That is right. We have nothing.

CHAIR—That child will not know who is family was—and has no hope of ever knowing.

Mr Bottrell—Our child, Ermias, was just abandoned; that is all we know.

Mrs IRWIN—Like Harry, Kate and Alan—who had to leave early—and the chair, I would like to thank you, Toby, and I would like to thank everybody who came here today to share their stories and frustrations. I hope that, as a committee, we will come up with some damn good bipartisan recommendations, for the sake of the children who are adopted from overseas. I remember that many moons ago I thought I could not have children. Luckily I could, but I went to one of those education classes and it has always stuck in my mind that you do not have to carry a child within you; you carry them from the heart. Thank you very much.

CHAIR—I will conclude by saying that I am grateful for everyone's participation.

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.

Committee adjourned at 3.49 pm