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**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Reference: Adoption of children from overseas

WEDNESDAY, 17 AUGUST 2005

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Wednesday, 17 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, Ms Kate Ellis, Mr Fawcett, Ms George, Mrs Irwin, Mrs Markus 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

MICKLEBURGH, Ms Susan Jane, Manager, Client Services, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services 1

PONSONBY, Ms Ann Mary, Team Leader, Adoptions Unit, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services 1

TURNER, Mr Stewart Scott, Private capacity..... 22

WILSON, Ms Lisa Annette, Private Capacity..... 22

WYLES, Mr Paul, Director, Client and Adolescent Services, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services 1

Committee met at 10.05 am

MICKLEBURGH, Ms Susan Jane, Manager, Client Services, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services

PONSONBY, Ms Ann Mary, Team Leader, Adoptions Unit, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services

WYLES, Mr Paul, Director, Client and Adolescent Services, Office for Children, Youth and Family Support, ACT Department of Disability, Housing and Community Services

Witnesses were then sworn or affirmed—

CHAIR (Mrs Bronwyn Bishop)—Welcome. I declare open this public hearing of the House of Representatives Standing Committee on Family and Human Services for its inquiry into adoption of children from overseas. The committee has received over 200 submissions for the inquiry, which have represented to the committee many challenging issues. Although adoption numbers have declined from a generation ago, adoption still 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 the ACT government's adoptions unit, and then from private citizens who have adopted children from overseas. Some people in the audience may wish to know what involvement the ACT government has already had in this inquiry. The ACT 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 transcripts, please ask any of the committee staff at the hearing. We have your submission, but first we would like to hear your opening statement.

Ms Mickleburgh—We would like to expand on some of the issues that we raised in the submission but also to introduce new points and take the opportunity to respond to some of the issues raised in other forums. The Adoptions Unit of the Department of Disability, Housing and Community Services holds the statutory responsibility within the ACT for facilitating and approving adoptions of children born both in Australia and overseas. Minister Gallagher's submission refers to the complexity and diversity of issues relating to intercountry adoption, acknowledging the highly personal nature of the adoption process and the need for a human and individualised service to those concerned. Adoption is also a matter that requires comprehensive administrative arrangements to be in place to protect the interests of parties, in particular adopted children.

The current arrangement under the Commonwealth-state agreement for the implementation of the Hague convention on intercountry adoption—that Commonwealth, state and territory government representatives meet biannually—assists in the development and management of these administrative arrangements. It contributes to an information and knowledge share about the changing status of and procedures for adoption from different countries. It contributes to the maintenance of relationships and communication with those countries, through designated contact states and territories. It also contributes to the identification of developments in both Commonwealth and state and territory government policy, their projected impact and improved professional practice.

The committee's interest in the membership of the central authorities' meetings, and whether this is optimal, was noted. We believe that this is the case and that the mix of expertise, representing child protection and family support from the states and territories as well as family and immigration law from the Commonwealth, is adequately met. But there is also the capacity to co-opt relevant others to the meetings. Certainly, in our experience, DFAT and FaCS have been called in.

As was stated in recommendation 6 of our submission, an added function for the central authorities' meetings could be the oversight and possible sponsorship of ongoing research into intercountry adoption. As you are aware, this is a relatively new option within our jurisdictions and one that we need to evaluate programs' capacity to deliver positive outcomes for adopted children and their families.

Further to the ACT submission, we also noted the committee's interest in government and non-government relationships and thought that we would briefly describe our relationship with the Adoptive Families Association—and I am pleased to see that there are members of the ACT association here.

CHAIR—A division has been called in the House. We apologise; we will be back as quickly as we can.

Proceedings suspended from 10.12 am to 10.29 am

Ms Mickleburgh—I was just beginning to refer to the relationship that the adoptions unit and the Adoptive Families Association of the ACT have. I do think that this is quite a special one that we would like to deal with in some depth. I think part of the reason we have a good relationship is that there is actually a good match between workers and the adoptive families. I think there were questions asked about the backgrounds of people who are making assessments of prospective adoptive families. We have a very mature and experienced group of workers. We are a small unit with only five social workers, of which four are parents. All are qualified and have professional experience ranging from two to 20 years but the average is 12 years. We do have one new worker. The others have extensive experience in alternative care but also have other skills bases, such as child and adolescent counselling, family counselling, nursing and education.

We also work with a group of six private consultants who undertake the applicant home studies. Again, those consultants are qualified social workers or psychologists with extensive experience in adoption work. There is one male consultant in that group. We have quarterly meetings with them to address current practice issues and administrative arrangements. These meetings also include regular professional development. The most recent one was actually something that we co-hosted with the Adoptive Families Association. A woman called Jane Brown came to work with professionals, adoptive parents and adoptive children on cross-cultural adoption and post-placement support. So we do a lot of professional development right across the stakeholder group.

Also I think our value base is in line with that of adoptive parents in that we are seeing that intercountry adoption is a very real and important opportunity to provide children who are identified by their birth country as needing adoptive placement overseas with families who can provide stable and nurturing family environments and identify positively as an interracial adoptive family.

Underpinning the relationship, we have an MOU, a memorandum of understanding. The features of that are that it is agreed that the adoptions unit and AFA will be involved in joint planning, preparation and delivery of the adoption seminars, sessions and education groups for adoption applicants, and any other forms of group education for adoption applicants that may from time to time occur. We utilise the resources of AFA as an organisation that supports, educates and advocates on behalf of adoptive families, recognising the value to both parents and children of involvement with other adoptive families. We undertake cross-referrals, providing inquiries and applicants with information about the roles, services and appropriate context from both parties. We share information on specific programs and adoption issues in general. We undertake to consult with each other about proposed changes to policy, practice and service prior to implementation. For example, we are looking at updating our policy manual at the moment and we will be consulting with AFA regarding that. We provide AFA with a report for inclusion in their quarterly magazine, *Adoption Australia*.

CHAIR—What does AFA stand for?

Ms Mickleburgh—Adoptive Families Association. Another issue that we wanted to comment on was the question of whether to extend the number of countries that children may be adopted from. That is not something that the ACT government is considering. We believe that the

complexity of issues and arrangements that relate to intercountry adoption, as well as the need to ensure that children who are in need of placement outside of their birth country have been properly released, are best guaranteed through adoptions made with countries who have either undergone the processes of being ratified with the Hague convention or are going through a bilateral agreement.

Even when that is the case—and, of course, many countries are now signatories to the Hague convention—it is our understanding that to establish a new program involves costs in the vicinity of \$100,000 or so. That is a significant undertaking for states and territories.

CHAIR—Why should it be the states and territories who clear that? Why would it not be the Commonwealth?

Ms Mickleburgh—Because establishing the relations and investigating the parameters of the programs is all undertaken by the states and territories who will be offering the families—

Mr Wyles—That is what currently happens.

CHAIR—That is only because of the MOU, and one could be pardoned for saying it was laziness on behalf of the Commonwealth that resulted in that outcome. The Hague convention is an Australian government responsibility, and the policy with regard to Hague countries or bilateral agreements outside the Hague—even if they have not ratified—is a matter for the Commonwealth government. You cannot have six states and two territories out there negotiating as if they are separate little countries, and that is what we hear is happening a bit.

Ms Mickleburgh—Although I am new to the arena, that is not my experience. My experience is that each is part of a whole and that these programs only exist because of the cooperation that applies between the states. I have only been to one of those meetings. Perhaps the other members could express their view.

CHAIR—I accept that that is the way it is, but that does mean to say that that is the way it ought to be.

Ms Mickleburgh—With respect to the actual processes around the application and assessment of families, we have brought and would like to table a couple of booklets that are provided to adoptive parents, information for prospective applicants and then the seminar information booklet. Those describe the processes followed by the ACT adoption unit, and we are happy to discuss any procedural issues which we envisage you will be questioning us about. Whilst it was flattering, we are a bit disconcerted that there was a suggestion that the ACT might be a leader or the most successful in the field of adoption in Australia. Whilst we seek to do an excellent job, we think there are a number of factors that do enable us to do so. I think the size of the program, the proximity to all the stakeholders and the reliance on the larger states for their support in maintaining the programs are certainly very important contributors.

CHAIR—The ACT does not actually have responsibility for managing any of the programs.

Ms Ponsonby—You noticed that.

CHAIR—But I still find it disconcerting and I do not understand why, when Victoria, for instance, is responsible for China, we still have other states that have to satisfy themselves. I still cannot get my hands on what the actual arrangements between the states and territories are for reporting on what goes on between the management state and the organisations in the areas they cover—the agency in the case of China or the individual orphanage in the case of Taiwan.

Ms Ponsonby—Routinely at the states and territories meetings there is feedback around those—

CHAIR—Yes, but you meet every two years, don't you?

Ms Ponsonby—No, twice per year. That is a fairly essential component for us. I jokingly said, 'You noticed the ACT has not had major responsibility,' but I think that is one of the things that Sue has alluded to—that is, that we have been very dependent on the larger states and territories to auspice those.

CHAIR—That is logical. You are a territory; you are not sovereign in any sense of the word.

Ms Ponsonby—It is worth noting that we did try to facilitate a program with Ecuador, and we have some responsibility for Poland, but, yes, the areas in which we have had involvement are very small.

CHAIR—What involvement do you have in Poland?

Ms Ponsonby—We are meant to be the liaison, because we also happen to have a member of staff who is Polish speaking, so that has been very useful. Very few matters have arisen through Poland. The program is available to those of Polish ethnicity and older age children primarily.

CHAIR—Older children only?

Ms Ponsonby—Yes.

Ms Mickleburgh—I have finished what I would like to say other than on the processes. There is one program element that Ann is particularly passionate about, and I thought we might deal with it in a bit more detail—that is, postorder support services.

CHAIR—Before you do, were you tabling some exhibits for us?

Ms Mickleburgh—Yes.

CHAIR—Would somebody like to move that the four documents tendered—a newsletter and three other documents—be accepted as exhibits?

Mrs IRWIN—I will move that way.

CHAIR—Thank you. I declare that carried.

Mr Wyles—I will just reflect on and emphasise a couple of points that Sue made. One is that we have been very lucky here to recruit and retain skilled social work staff. We have a mature and open relationship with the Adoptive Families Association, and we have close professional relationships with our private practitioners, those social workers and psychologists who provide the assessment reports. I think those things really go to the quality of service in the ACT. As Sue mentioned, the small size of the ACT provides us with some advantages, and we are reliant on the bigger states—I think we do need to emphasise this point—to do some of that heavy lifting around program development and program management. It is not something that we do. Our focus really is—

CHAIR—Supposing somebody in the ACT wants to adopt a child from China, do you talk to your counterpart in Victoria and say, ‘Here’s a file’? What happens?

Mr Wyles—No, we would do it all here. If there were particular issues that were outside the scope of the current process locally, we would liaise with Victoria—and we batch them through Melbourne.

Ms Ponsonby—Actually, mostly now it is such a busy program for us—which is great—that we do our own batches primarily. Do you understand what we are talking about when we say ‘batches’?

CHAIR—So what does management by Victoria of China mean?

Ms Ponsonby—They do the frontline liaison with the agency in China. Any changes that are required by China—and the changes from China are very frequent—are channelled through Victoria as the lead state. They do a very good job of immediately informing all of the states and territories of any required changes. They are usually changes around procedures, payments for various fees, translation costs and those sorts of things.

Mr Wyles—Health.

Ms Ponsonby—Yes, sometimes health issues. And they then routinely give us an overview and further information on the current functioning of the program at the biannual states and territories meetings.

CHAIR—In other words, when China, a sovereign nation, wishes to give information about its requirements for adopting children who will become Australian citizens, it talks to the Victorian government?

Ms Ponsonby—As the lead state currently, yes.

CHAIR—They talk to the Victorian government?

Ms Ponsonby—And Victoria would then liaise with A-G’s.

CHAIR—They do not talk to the Australian government at all? They talk to the Victorian government and then the Victorian government sends around the information?

Ms Ponsonby—As a representative for the states and territories, yes.

Ms Mickleburgh—Except when those changes have implications for immigration law.

Ms Ponsonby—Yes, exactly.

Ms Mickleburgh—In the China case, my understanding is that Foreign Affairs and Trade are very much involved in current negotiations.

CHAIR—We were told that Attorney-General's has one person—was it one person?—looking after overseas adoptions.

Mrs IRWIN—Yes.

CHAIR—How many in DFAT; does anyone know?

Ms Mickleburgh—I do not know. I do not believe there are designated people. It would be within posts.

Ms Ponsonby—My understanding is in AG's there is a unit that is responsible for—

CHAIR—With one person in it. We have met him.

Mr Wyles—I think they have a range of responsibilities.

Ms Ponsonby—They have a range of responsibilities which includes intercountry adoption. My experience is—

CHAIR—They have one person. How many do you have?

Ms Mickleburgh—About five.

Ms Ponsonby—Not all for intercountry adoption, however.

Ms Mickleburgh—No.

Ms Ponsonby—So our unit covers the range of services.

Mrs IRWIN—How many for intercountry adoption?

Mr Wyles—We would have to go through them. Some of them are part-time.

Ms Ponsonby—We essentially have two social workers that are designated to ICA, intercountry adoption, but they also have responsibilities in the local adoption area as well.

CHAIR—They are very few and far between, aren't they?

Ms Ponsonby—We had six last year; however, this year it has been very quiet.

CHAIR—How many children are fostered in the ACT?

Ms Mickleburgh—Four hundred plus in a year.

Mr Wyles—That is in care. There may be some residential care as well as foster care.

CHAIR—But foster care would be around 400?

Mr Wyles—About 400.

CHAIR—Are they from little babies to bigger people?

Mr Wyles—Yes. The other direction of the adoption unit, particularly in a number of jurisdictions, is that we need to actively review some of those children. Where there is no impediment to adoption—where they are in stable placements with foster carers, for example—we need to actively move towards adoption.

CHAIR—Is that part of your policy to actively move towards adoption?

Mr Wyles—It is.

CHAIR—So you quite like adoption.

Ms Ponsonby—We love adoption. We think it is a really important service for children.

Mr Wyles—For the stability of those children.

CHAIR—If a young mother—who is really quite young and has seen what has happened to other young mums who have had children and kept them—rang you up and said, ‘I’m going to have this child but I would like it placed for adoption,’ would you send somebody out to give her a lecture on what a bad, wicked person she was giving up the child?

Ms Mickleburgh—Of course not.

Mr Wyles—We could talk about the local program.

Ms Ponsonby—Probably what is quite different about a small jurisdiction is that we work across the range of services, so as the team leader I not only go to states and territories meetings I also work with those mothers—

CHAIR—The reason I asked that question is that I heard in another jurisdiction that that is their reaction to such a question.

Ms Ponsonby—No. Again, because we are a small jurisdiction we have very well worked out relationships with the hospital social workers. There are two major sources in the ACT. We have

good long-term relationships with those workers. The majority of referrals of the kind you are suggesting come through the hospitals, so they would often be providing that kind of supportive counselling.

CHAIR—How many of those 400 foster children would be babies?

Mr Wyles—I do not know.

CHAIR—Could you find that out.

Mr Wyles—Yes.

CHAIR—Under twos would be useful.

Mrs IRWIN—I think under twos would be useful. It would be nice also to get the figure for those that have been adopted as well.

Mr Wyles—The issue clearly is that these children need to be relinquished for adoption.

CHAIR—I understand all that.

Mr Wyles—That is the process.

Ms Ponsonby—By ‘the figure for those adoptions’ do you mean, for example, children who have been in care and who have been processed—

Mrs IRWIN—They have been fostered out.

Ms Ponsonby—and then placed for adoption.

CHAIR—Yes, I would like to know that as well, but I am very interested to know what the profile of those 400 children is in terms of age and how many of them are under twos.

Mr Wyles—The other thing about local adoption is that our staff in talking with relinquishing mothers need to canvass the range of options and that may include placement with extended family before considering adoption. That is the way we want to work.

Ms Mickleburgh—I think that is an interesting feature nationwide, but in the ACT about 40 per cent of children in foster care are fostered with extended family members.

CHAIR—And they get payments for that.

Ms Mickleburgh—Yes.

CHAIR—What is the payment?

Ms Mickleburgh—It depends on the age and circumstances of the child.

CHAIR—Can you give me an example?

Ms Mickleburgh—It is not my area of expertise, so I cannot comment.

Mr Wyles—There is a payment schedule and there are about 30-odd categories.

CHAIR—Can we have that?

Mr Wyles—We can provide that to you.

CHAIR—I just repeat my question: you do not have an anti-adoption attitude where you would attempt to persuade people from relinquishing for adoption if that is what they really wanted to do? When you say you present options, there is presenting options and there is presenting options, isn't there? But if the policy is—

Ms Mickleburgh—Somebody coming to seek counselling and advice about a decision of this magnitude will have thoughts. We support them in working through what those thoughts are for them and what choices naturally follow on.

CHAIR—So the six you had last year made up their minds and said that was what they wanted to do and they stuck with it?

Ms Ponsonby—Yes.

CHAIR—But this year nobody has?

Ms Ponsonby—Nobody has come through. It is remarkable.

CHAIR—Are they the same social workers?

Ms Ponsonby—They are the same social workers; it is the same unit. But there has been nobody. We do not understand that at all. Our routine numbers for local adoption have been one to two since the introduction of our new act in 1993, then suddenly there was this peak.

Ms Mickleburgh—Again reflecting the complexity of adoption, they are not all young mothers with poor support systems.

Ms Ponsonby—Indeed.

Ms Mickleburgh—Last year's adopting parents were across the gamut of age and socioeconomic status, I believe.

Ms Ponsonby—Yes.

Mrs MARKUS—Is your approach of being happy to encourage adoption as an option based on written policy or a written mission statement or is it because that is your overall approach and that has been the flavour because of the people working within the organisation?

Ms Mickleburgh—I think it is because we work on the principle of the best interests of the child. Stability and continuity of care are contributors to that. Adoption is obviously at the end of the spectrum as far as ensuring stability and continuity.

Mrs MARKUS—Is that in your documents or is that included in training?

Ms Mickleburgh—It is in our legislation.

Mr Wyles—The other thing, as you would be aware, is that adoption has changed. Clearly there is some openness in the adoption process. We talk through that with relinquishing mothers or parents. There is capacity for exchange of gifts at significant times. There is an expectation that the child may in fact at some point in the future meet their relinquishing parents.

CHAIR—And know who they are and know all their information.

Mr Wyles—Yes, that is right.

CHAIR—It is important to people. I understand all that too.

Ms Ponsonby—I suspect your question is well made though. It is often about the experience of workers in a unit. I have a long background of having worked in both adoption and out-of-home care for children. A number of others in the unit have had that experience. So we understand that a plan of adoption—we talk much more about parents making a plan of adoption for their child these days—does ensure absolute security for that child in terms of where they grow.

Those of us who have also worked in out-of-home care understand the need of young people for an integrated sense of their identity and that openness of adoption. Under our act we have provision for conditional orders. We routinely seek conditional orders through our supreme court. They will vary. I have had recent experience of a young birth mother who was well able to name her child and choose the family for her child, but that was all she could commit to. We have left some openness in that conditional order that says contact can occur. We would keep our unit as the facilitator of that, but that is certainly very much the type of openness that exists.

Drawing again on being a small unit, we also work across the area of what is called our adoption information service—the service that provides identifying information and support for those who wish to seek that information or perhaps are searching. We do outreach and we support people through that reunion process. We are very informed as practitioners by what we find at that end. We take into account many of the past practices in adoption, which included a great deal around the secrecy of adoption. That is a really valuable way for us to work and a real benefit of working in a small unit: we are constantly informed by all parts of the process. That helps us look to the needs of our young people who are coming in from overseas—they are very much the more recent group of adoptees.

Intercountry adoption has been around for some time. As you know, I have worked with a number of young adult adoptees who have grown in a very different context to what we would encourage families to provide for their children these days—young women particularly from Korea and India, which were the programs in the ACT that started long ago. These young

women have grown in a very isolated sense in terms of their cultural identity. That is extraordinarily painful work with those young women as we seek to encourage them to make some beginning links with their culture of origin and ultimately search back home.

CHAIR—Recently, I attended a big international day in Queensland. The adopting parents were in their various groupings and they were all dressed up in their national dress. I have to say, it was an enormously happy day, but the work that the support groups do is just huge, and they do not seem to get much backup.

Mrs IRWIN—They do not get any funding whatsoever. It is sad.

Ms Ponsonby—They do a powerful job.

CHAIR—They do a fabulous job.

Ms Ponsonby—In the ACT our support groups do a fantastic job of establishing very strong and real links with the cultural communities from which their children come. I keep saying on the states and territories stage that the ACT is ideally placed to do intercountry adoption because we have such representations from all of the countries we work with. I know Lisa and Stewart are going to speak later to the committee. There has been some marvellous work done here.

CHAIR—We ask a lot of them, and the support is surprising.

Ms Ponsonby—We do, and we actually ask a lot more of families now as social workers than we did 10 years ago in terms of embracing children's cultural identity. There was reference to Jane Brown recently speaking to us all as professionals and carers for adoptive families—and those working in out-of-home care as well. She was very clear that it is not about just a focus on the child's understanding of their culture and visits back home; it is also about the lived reality of the child's cultural experience. That means inviting people into your home who are of the same culture, and I think our support groups in the ACT do a great job of that.

CHAIR—That batching process with China seems to work. They regard them as cousins.

Ms Ponsonby—The majority placed through the program from China are girls. Those girls have usually been abandoned. In that beginning process, we talk about it being a journey forward as a group together. It is tremendous and good for supporting parents.

Mrs IRWIN—I want to talk about the fees. The cost in the ACT, all up, is \$4,145. In New South Wales, it is \$9,700. In Victoria, it is \$6,250. What does your administrative fee of \$1,191 cover?

Ms Ponsonby—It pays for the administration of the file: the processing of the file. As you would understand, a file has to be compiled locally and then a further file has to be compiled to go overseas as well. So it covers those costs. For our clients, we operate a parenting program whilst people have their files waiting overseas, and it covers those costs as well. It also addresses some of the huge infrastructure that is required to maintain intercountry adoption programs.

Mrs IRWIN—In terms of your home study report of \$2,017, if you are looking at adopting a second child, do you still have to pay these fees?

Mr Wyles—The home study and the post-placement report fees are based on a fee structure from the Australian Psychological Society and the Australian Association of Social Workers. It is their fee structure because, effectively, that money comes into us, but it goes to those private practitioners.

Mrs IRWIN—Adoptive parents who are adopting a second child have already paid these fees and they have had people come into their homes. Do you think that process involves going over the same questions and answers again?

Ms Ponsonby—The questions are quite different for a second child. Obviously, the family background does not change unless some new events have happened in a family. But I think the process of assessment for a second application is very much about ensuring the capacity of the parents to provide for two children and ensuring the capacity of the child who is already in that placement to cope with a further sibling or siblings—whatever the requirement is. It is about revisiting things which we know can be affected by advancing on a parenting journey—that is, looking again at the marital situation and how relationships have gone on in the family since the placement of the first child. So there are new issues to look at.

Mrs IRWIN—It is very expensive, when you look at the fees and the air fares overseas.

Ms Ponsonby—Absolutely.

Mrs IRWIN—Some people have heard it has cost \$30,000 or \$40,000 and they would love to give their beautiful home to another child but, when you are looking at that sort of cost factor, they might not be able to adopt.

Ms Ponsonby—Some people are precluded because of the cost factors involved.

Mrs IRWIN—That is sad. We now have an ageing population and we are not producing as many children as we did years ago, and there are some beautiful children overseas who would like to become a part of the Australian family who are being stopped mainly because of the fee structure. I am very interested to hear—I do not think you have given us a briefing on it—about post order support services.

Ms Ponsonby—That is where we are trying to develop our service further. This inquiry seems to have looked at a lot of the current practices. It is quite important to have a think about future development of services, and I think around the nation there is much more discussion around POSS. Again, it is crossing both local adoption and intercountry adoption where we recognise that, as young people grow within their family, there are a range of issues that will be revisited. Often at particular developmental trajectories, new issues will be raised for these young people. As a department, we think it is really important that we offer some place with some level of expertise around those issues for families to come back to throughout that journey. That is a complex thing to think about planning for, because it is very difficult to determine who will need that service and when.

Certainly in our local adoption area, as we have conditional orders, we have responsibilities under those orders regarding contact and exchange of information arrangements but, again, we recognise this is a complex area of work and what works for a young person at five may be different by the time they are 13. We want to create a service and, rightfully, that would seem to fit with what is called the Adoption Information Service—part of our service—which is post order and we are seeking to develop that further to provide that opportunity. Sometimes adoptive families choose to use community resources and so on and that is really important, too. But I think at times they need some kind of locus of expertise that helps sort through whether something is an issue about adoption or about other issues in our lives, and I think it is important to give them that service.

Mrs IRWIN—This is my final question. We have heard some evidence in Queensland where parents have stated to us that they have heard cases where people have crossed the border, say, even into Tweed Heads to put in their overseas adoption applications. Some have even sold their house and moved down to the ACT to do the same thing. Do you have any figures on those sorts of movements—where people are coming from other states to the ACT?

Mr Wyles—We would know anecdotally, but we do not keep figures on that.

Ms Mickleburgh—Again, the ACT is a mobile population anyway, so working out what were genuine reasons. Service families could still come here because of a posting and not specifically for—

CHAIR—Your record is good.

Ms KATE ELLIS—Following up on that—and I note that you were very gracious in your comparisons with other states—we were hearing stories about families that had been living in another state and friends had put their own names on that state's list at a particular time. The families that moved to the ACT had been able to adopt two children but when they got back their friends were still waiting. So there are clearly a lot of stories coming through. I wonder why that is. Are you sending more files overseas? Why is it that the ACT seems to be able to move this process so much more quickly than some of the other states?

Ms Mickleburgh—Getting back to the smallness, we were able to make the investment to meet the demand.

Mr Wyles—You would have to know that resourcing in some of those other jurisdictions per head of population is probably not what it is here. That is clearly an issue for some of the larger jurisdictions.

Mrs IRWIN—It is actually very hard to work out when you look at the figures. The processing time in Queensland is two to five years. I think the processing time down here in the ACT is one year. Queensland has 12 staff and the ACT has two. I know that you are going on population. Queensland has 3.8 million—and the figures I am quoting are from the statistics of 2003-04—and the ACT has a population of 324,000. But when you look at those figures I think that the ACT is most probably doing a much better job than the other states.

Mr Wyles—It is hard for us to comment, really. I am not in the Queensland government.

Mrs IRWIN—Yes, I can see the point.

Ms Ponsonby—I think it is probably worth stating that we have also increased our resources, particularly in administration. I think that is significant.

CHAIR—But, you see, you have this meeting under the MOU. Quite frankly, I would have thought that the inadequacy of what is happening in Queensland would have been brought up at your meeting. If it has not been, why hasn't it been? It is quite obvious from the evidence that we have taken that the handling of things in Queensland leaves a lot to be desired.

Mrs IRWIN—You only have to look at New South Wales too. There are 66 adoptions in a population of 6.7 million people in New South Wales.

CHAIR—That is why there is this attitude and all of these questions.

Ms KATE ELLIS—That actually goes to the other question I wanted to ask—you are doing some beautiful lead-ins, Julia—which was about the quota. I was interested that you send the files directly overseas without going through the lead state. I am curious about that. If each country has a quota for the number of children that can come to Australia, how do we know that that is being distributed across the country, if the files are not going through the lead state in the first place?

Mr Wyles—Korea is a good example. There have been a number of meetings around determining the quota per state and territory, so there was some common agreement.

Ms Ponsonby—It is based on population.

CHAIR—But that is not borne out in the numbers.

Ms Ponsonby—I cannot comment on the quotas for the other states. I am not aware of them. But my understanding of the process at that time was that it was very much geared to the population of each of those states. Those quotas are filled for those—

CHAIR—But that just is not borne out. In 2003-04 New South Wales, which is the biggest state, got 12 from Korea. South Australia, a very small state, got 25.

Ms Ponsonby—Yes, but the year after that, that was addressed and it was changed.

CHAIR—That is another point. The members of the MOU group seem absolutely incapable of matching the years. Some people report on a calendar year, we are told, and some on a financial year. That should not be beyond the wit of man or woman to change. It should be quite simple. The Commonwealth should simply say, 'This is the way you will do it.' Has nobody tried to fix it? I have statistics here saying that Queensland got nobody from Taiwan in that particular year, but I know damned well that they did.

Mr Wyles—Yes. It is also about when orders are finalised. That adds to the complication of the counting.

CHAIR—But it is not beyond the wit of man to fix and have accurate.

Mr Wyles—AIHW is at the meeting now—they do attend that meeting.

Ms Mickleburgh—There was actually a special half-day meeting prior to the last central authorities meeting that hopefully has addressed those counting issues, but we will see in the next report.

Ms Ponsonby—I have just realised, though—I think it is part of the human condition—that I have stated to you the figures around our local adoption and I am talking about the calendar year. There we go. That is an inaccuracy when you are talking about the financial year.

CHAIR—There are two other quick questions I would like to ask. The first is on IVF. I had a very distressed person come to me and say that, in the ACT, they have to get off the IVF program for six months before they are eligible to come onto the waiting list to adopt from overseas. It was put to me that it is like being asked to grieve twice. These people have been on the program for a long time and it seems to me absolutely ridiculous that that requirement is in place. What is the reason? I suppose you will just tell me it is there because it is there because it is there.

Ms Ponsonby—I am happy to talk to that. That is a slight shift. That has happened whilst I have been the team leader. It is fairly clear to articulate that it is about actually applying, not actually being involved in the process of intercountry adoptions.

CHAIR—This is someone applying.

Ms Ponsonby—Normally—

CHAIR—This is somebody who has decided, ‘We’ve been on this program for this long but we can see that it’s not being successful for us. We would like to adopt from overseas.’

Ms Ponsonby—There is a pragmatic answer to that and there is also a theoretical answer to that.

CHAIR—No. Supposing they stay on it and supposing it does work for them. They can still want to adopt from overseas.

Ms Ponsonby—They can.

CHAIR—But a lot of it does not match up around the country.

Ms Ponsonby—I think it is about teasing out some of the complexity of adoption, which is about adoption as a service for children, but it comes from a history where adoption was very clearly a service for children but was also a service for couples who had infertility as an issue. We are still teasing that out.

CHAIR—It is a family, for God’s sake. It is two people wanting to be the parents and one—

Ms Ponsonby—That is right. Adoption is a service for children. If you take the view that adoption is a particularly complex form of parenting and that families need to be very committed to all that it involves, it is very difficult to work with families if they are still actually considering and working on biological children.

CHAIR—You have got parents who are wanting to adopt overseas children and guess what: they are going to bed together every night and hoping—just hoping—it might happen, but they are still committed.

Ms Ponsonby—To?

CHAIR—To adopt. They are not mutually exclusive.

Ms Ponsonby—They are not, but what we do understand is that it is very complex if parents proceed and are placed with a child when they actually have not resolved their issues around biological children if they are unable to have them.

CHAIR—But that is not resolving their issues. We have met plenty of parents who have got one naturally born child and one adopted child and we have got people for whom it has happened in the process, just as people who were adopting before overseas adoptions were adopting Australian children and had children of their own. They still go on.

Ms Ponsonby—Yes, that is right. But what we also know from our past practice is that we often placed children in families where infertility was not actually dealt with and that actually created some real difficulties for them.

CHAIR—We have also got people who are applying who are not infertile. They have made a decision to adopt.

Ms Ponsonby—Absolutely.

CHAIR—So why are we telling people about what they should do with their bodies and their sex lives?

Ms Ponsonby—What we seek to do is to ensure—and it is generally known that IVF processes are fairly intrusive—that people have had some space from that prior to moving into another process that—

CHAIR—But why should you make that decision? Why can't they make that decision? They are their bodies and it is happening to them.

Ms Ponsonby—Because—

CHAIR—you know better.

Ms Ponsonby—No. It is from our practice wisdom that it is very difficult—

CHAIR—Oh, practice wisdom—so you know better.

Ms Ponsonby—Can I just say to you that it is quite difficult having someone sitting, for example, in a seminar program contemplating the issues they need to contemplate about intercountry adoption and finding that in fact they are consumed with grief around their own issues of biological parenting. It is not actually putting them in a place where they can really—

CHAIR—You are making a hell of a lot of suppositions about what is good for you, Sunshine.

Ms Mickleburgh—I think this is where we say that we do need to be actively involved in research and in evaluating programs to see that the best decisions are being made, but we do not know a lot about what we are doing. We are making the best decisions that we can on the basis of our—

CHAIR—But none of them are consistent, so if you live in one state this is a bad practice but if you live in another state it is a good practice—and we call it Australia. It is a nonsense.

Ms Ponsonby—I think a number of the states and territories have a requirement around—

CHAIR—What about the lovely one in Queensland, which Harry Quick, who is not here at the moment, would love to tell you about—and in South Australia: there is a complete embargo on talking about your child being adopted. You are not allowed to publish photographs or talk about your child as being adopted—you go to jail. Fortunately, you do not do that here.

Ms Ponsonby—We have an act that says it is illegal to do it until the adoption is finalised.

CHAIR—No, this is after it is finalised in South Australia.

Ms Ponsonby—I know.

CHAIR—Same country but crazy rules.

Ms Ponsonby—Let us go back to the IVF one. I think a number of the states and territories have requirements that one process is completed prior to embarking on adoption.

CHAIR—That does not make it right.

Ms Ponsonby—We just have to agree to differ.

Mr Wyles—Can I pick up on the point that Sue made—and Ann has discussed this. I think we need to increasingly be informed by the growing body of literature about the young people, who are now young adults, who have been through this intercountry adoption process. I was going to suggest to the committee that, if they have not, they might want to talk to the Post Adoption Resource Centre in Sydney. It is part of the Benevolent Society, and it runs programs for families and young people. I was just talking to the secretary before about some of the enlightening discussions we have had with young people who have been through that process. They have talked about some of the issues, particularly the cultural identity issues, that they experience—good and bad—through that adoption process. I think we as a group and as practitioners need to be informed by those things.

CHAIR—Have you talked to some of the parents who have gone to pick up their child from Ethiopia? As they walk through the orphanage the children are crying, ‘Please pick me, please pick me.’

Mr Wyles—Yes.

CHAIR—Where is the law that says that some children have to be sentenced to have no loving family, so long as we get the bureaucracy right?

Mrs IRWIN—I have one final question about the appeal mechanism that you might have in place. If someone puts their application in and they are not successful—say, on health grounds—how can they appeal? There is a reason I ask this, so I had better give you an example. I know of a very loving couple, and the wife found out that she had cancer. Within 48 hours she had a complete hysterectomy. She was cleared and had no cancer whatsoever. She put an application in, it was rejected on health grounds and they virtually could not appeal. That was not in the ACT—that was in Queensland—and they were told that they could put in another application in two years, if she was still alive, which is a very callous thing to say. They had evidence from a doctor there to say that the cancer was all gone, because of the hysterectomy. So I am wondering what sort of appeal mechanism you have got in place in the ACT?

Ms Mickleburgh—I am not sure that we would actually be making that rejection decision at that point. We would obviously be weighing up the medical evidence and also the couple’s response to this trauma. We might suggest that a waiting period before proceeding would be advisable, but I do not think we would be rejecting if those were the circumstances.

Mr Wyles—We are strongly influenced by the medical assessment that is done as part of the broader home study, really.

Mrs IRWIN—That is done by a Commonwealth doctor, is it?

Mr Wyles—No, it is often by the person’s GP or specialist.

Mrs IRWIN—By the family’s practitioner.

Ms Mickleburgh—But under our act there are very clear mechanisms for appealing a decision.

Mrs IRWIN—It would be interesting to have a look at that, because we have just heard from some people who have not been accepted into the program. I was interested to know what appeal mechanism was in place in the ACT.

Ms Ponsonby—It is very clearly articulated in our act what the appeal mechanism is.

Ms Mickleburgh—We can forward that as well.

Mr FAWCETT—You discussed the body of evidence of children who have come through the overseas adoptive process. I would be interested to know about the backgrounds of the people who compiled that. The reason I ask is that I also know a number of children, now adults, who

have come through that process. As part of this committee, when I have sat and spoken to them and said, 'Do you have concerns and were there issues?' they said yes and they talked through them. When I asked the question at the end, 'Overall, would you have had it any other way?' I have not met one that said, 'I would have it another way.' They said, 'Undoubtedly, I am better off now,' particularly those who have gone back to their home countries, either to try and trace biological parents or just to satisfy some of that curiosity about cultural identity.

They have said, 'I am very happy with who I am,' and 'All that being from overseas really meant was that when I went through the same sort of identity crisis that every teenager did I had something very easily identifiable to hang the uncertainties on.' Many of them made that comment. The overall comment was very positive. If you just ask questions about issues, they will all identify issues. If you are going to put the future direction of adoption into practice on the body of evidence, I am concerned to know who collected it and how they asked the questions.

Mr Wyles—I would refer you to a publication by the Post Adoption Resource Centre in Sydney called *The Colour of Difference: journeys in transracial adoption*, which has collected stories from parents, children and young people who have been through that experience. As you said, some of those reflections are good and some bad. In some ways, as we have discussed, it is difficult to separate the adoption part from the normal family or life experience of young people. I think there are things we can learn, particularly around, for example—although it is not such an issue in the ACT—the placement of children who look physically different in rural and remote areas of this country and how that might impact on them. Those are some of the reflections in the book.

Ms Ponsonby—I wanted to talk about the body of knowledge and past practice. I think adoption is a particularly interesting area and that has been part of my background: I have worked in child and adolescent regional health and a range of other areas as well. Adoption practice has been very much informed by those who have participated in the process, and I am thinking particularly of past practices in Australia. It was the voice of mothers who had relinquished children and it was the voice of adoptees themselves that actually challenged the practice of the time around secrecy and how it was not necessarily in your best interests. Paul's reference to meeting and hearing from PARC is because they have that wealth of knowledge. And it is not about being negative about intercountry adoption; it is about informing us continually about how we enhance the service delivery. I have already highlighted to the committee what we would talk with families about in terms of cultural identity 10 years ago. What we talk about now is very different, and that is enhanced, I think, by the voice of those young people. I seem to be hearing from you, 'Are you suggesting that intercountry adoptions are not a good thing?' That is not it at all, but I think as professionals we should be very concerned to hear and take account of that body of knowledge, mixed as it will always be, to continue to inform our practice, because the experience of how that has changed for our local adoption processes has been very valuable.

Mr FAWCETT—I do not argue with that at all, but what I think it is very important to do is to make sure that you place that body of knowledge in the context of who collected it and how it was collected.

Ms Ponsonby—Absolutely, yes; context is everything.

Mr FAWCETT—Otherwise, it can undeservedly bias the outcome.

Ms Mickleburgh—As an umbrella statement, though, I think—

CHAIR—We are going to have to be very quick with this umbrella statement, because we are running behind.

Ms Mickleburgh—Yes. I do not think family disruption rates for adoption differ much now from family disruption rates for any other type of situation. I think that probably reflects the fact that the practice is getting better. The way that children are entering adoptive families is—

CHAIR—We have heard evidence of a couple of, shall we say, disruptions where they have been re-placed, but that is for another day.

Ms Mickleburgh—But families break down; things happen to families whether or not they have adoptive members.

CHAIR—Thank you very much for coming this morning. We do appreciate it. Perhaps we could just put on the record that, if we need to come back to you on any specific points, we will be able to do that?

Ms Mickleburgh—Yes.

Mr Wyles—We have had discussions about you possibly visiting, and we would welcome that too.

CHAIR—That would be very good. Yes, we want to do that.

Ms Ponsonby—Especially as we are in salubrious new premises.

Mr Wyles—That is right.

Ms Mickleburgh—And we undertake to get that information for you.

CHAIR—Thank you very much. That would be very helpful, I think—that placement information.

Ms Mickleburgh—Thank you.

Mr Wyles—Thank you.

[11.22 am]

TURNER, Mr Stewart Scott, Private capacity

WILSON, Ms Lisa Annette, Private Capacity

CHAIR—I now call Lisa Wilson and Stewart Turner as witnesses in this inquiry into overseas adoption. Welcome.

Mr Turner—I am appearing as an adoptive parent.

Ms Wilson—I am appearing in a private capacity as an adoptive parent.

Witnesses were then sworn or affirmed—

CHAIR—We are grateful to have your submissions, but I wonder if you would like to make an opening statement.

Ms Wilson—Yes, just briefly. I would like to thank you for giving us the opportunity to give evidence and address the committee today. There is no underestimating how important adoptive families believe this inquiry and its findings will be in the area of intercountry adoption. There is no doubt that Australia has had something of an unfortunate history in relation to adoption, and for some people in the wider community the taint seems to remain. However, as the department pointed out, Australia has learnt many lessons from those bad experiences. I am not singling out any jurisdiction, particularly not the ACT, but I know from speaking to other adoptive parents that some people working in the field of adoption give off the vibe that it is not a valid form of family creation, and that does not make for a pleasant interaction.

I think we all agree that ideally children should remain with their birth parents in their birth culture. Unfortunately for a vast number of children around the world, that is just not possible. They are relinquished or, in the case of China, abandoned at a rate that the infrastructure of those countries just cannot support. Adoptive families do not cause those children to be relinquished.

There is a real or perceived power differential between families and the departments processing their applications. For many people, a chance for them to create a family rests with the decisions of a few people in the state agencies. People have been concerned that by making comments that may be viewed as negative they may suffer either overt or subtle discrimination.

We are aware of the constitutional bases of state and Commonwealth powers in relation to adoption. However, the many inconsistencies between state and territory approval processes for overseas adoption are a direct result of each state having its own legislation, policies and procedures. As you probably noted from the submissions, some of the areas of difference are: age restriction for parents; the duration of the relationship of the couples; the ability of singles to adopt; the types of police checks that are undertaken; the privacy provisions—as in South Australia and Queensland; the transparency of procedures and process; the mandatory period

that parents are required to take adoption leave; and the age gap that is required between siblings.

Nationally consistent approaches would greatly assist. As a signatory to the Hague Convention, the Commonwealth could feasibly exercise its external affairs powers in relation to adoption. However, regardless of what model could be adopted, the approach must not be at the lowest common denominator. By that I am talking about the fees of New South Wales, the wait of Queensland and the marital status and privacy provisions of South Australia. We have to strive for a world's best practice model in Australia.

The feeling of separateness that adoptive parents have is further reinforced by the treatment they receive from certain Commonwealth agencies. Granted, because of the low number of adoptions occurring, agency staff are not exposed to the issues constantly and new applicants find themselves on a learning curve. But negotiating with the Commonwealth service agencies such as Medicare, Centrelink, DIMIA and DFAT becomes a test of endurance and patience. We come up against the call centre mentality with staff reading from scripts designed to cater for 99 per cent of the queries they encounter. Unfortunately, we generally fall within the one per cent.

We often feel like a nuisance because we do not comply with the norm. Many of these interactions occur in public spaces such as Medicare offices, Centrelink and passport offices where everyone can hear us being taken to task or having to explain the personal history of our children within full earshot of strangers. Often people are brought to tears by frustration and by the attitude they encounter.

We have read a number of the submissions to this inquiry by Commonwealth agencies. We know the Minister for Family and Community Services believes that there are no inconsistencies in the benefits that adoptive parents receive. However, we would counter that many of the inconsistencies lie in how we are treated when we attempt to apply for these benefits.

While the recent changes to maternity payment eligibility are welcome, they do not go far enough. The two-year age limit is arbitrary; the budgetary impact of no age limit would be negligible because there are so few adoptions. It does, however, have a considerable impact on a family who adopts an older child. They still have extensive costs in setting up for the older child and many parents just do not have the choice of adopting a child under two years old.

Similarly, the maternity immunisation allowance age limit of two years is discriminatory against adoptive parents because there is either too little time to get the immunisation up to date before the second birthday or the child is older than that when they enter the country. Adoptive families get no assistance from the government in creating their family. Families created biologically have Medicare support for ante and postnatal care. Families with difficulty conceiving have access to Medicare support for assisted reproductive technology, which is often highly expensive, and there is no limit on the amount of treatment.

To create our family through adoption we received no financial support. It was fully funded by us. Consideration should be given to a taxation model similar to that seen in the US, where they give an adoption credit of up to US\$10,390. Although it is means tested, the income limit is incredibly high.

Some may argue that adoption credit would encourage more people to adopt. However, there is a limiting factor to the number of possible overseas adoptions, and that is the capacity of the state adoption agencies. As you have probably already noted, many of these jurisdictions seem to be working beyond their current maximum capacity.

Finally, we would like to say that, in some ways, we feel fortunate that our adoption process took only two years from the expression of interest until our daughter Emily, who is now three, was in our arms. In some states, people have not even reached the stage of their home study by that time. We are fortunate to be in the ACT. We are also fortunate that the China program, managed by the China Centre of Adoption Affairs, is well-run and predictable. During our two-year wait, our file was in China for 14 months, although two months of that was due to the suspension of the program due to SARS. China has now reduced that wait to six or seven months. During that wait, we knew and took comfort in the fact that China allocates all countries on an equal time frame and does not play favourites.

CHAIR—Thank you very much. Mr Turner, do you want to say anything?

Mr Turner—I agree totally with what my wife has said.

CHAIR—It is helpful that you have set out in your submission the things that vary so significantly, such as the age gap between siblings, which seems to have neither rhyme nor reason. You talk about the difficulties with Centrelink and other areas. We heard some evidence in Queensland that when you want to put children into school your entry visa is suddenly demanded; they will not accept the birth certificate. Are you familiar with those sorts of problems?

Ms Wilson—In China, we are provided with, and have to pay for, a full set of translations of all the documents. We are given the child's birth certificate—in China, we are given the abandonment certificate—and the adoption certificate. That translation is now no longer going to be accepted by DFAT's Passport Office. They require the documents to be retranslated in Australia by a NAATI accredited translator, which will be an additional cost, I expect, for the families. A friend recently had difficulties with the Passport Office in relation to the acceptance of her child's documentation, even though the same documentation was deemed worthy by DIMIA to grant the child Australian citizenship. So we are getting inconsistencies between agencies in what they will and will not accept.

Mr Turner—In that particular instance, the gentleman at the counter said to our friend, 'How do we know the child is actually yours?' This is the attitude we are finding—in this case it was DIMIA, but I have heard other stories about Centrelink and DFAT.

Ms Wilson—That was DFAT.

Mrs IRWIN—We have had that evidence in other states as well.

Mr Turner—This is not uncommon.

Ms Wilson—It depends on who you get on the day. When we went to the Passport Office they wanted an Australian birth certificate. I had to explain in great depth the difference between the

bilateral arrangement with China and the Hague convention, whereby adoptions are formalised in Australia and children are granted an Australian birth certificate. They eventually took my daughter's documentation and said they would phone us if they had any more problems. But, from their tone, they still doubted that what I had given them was a valid set of documents.

Mr FAWCETT—Could we summarise that by saying that what is required is not so much a change in the entitlements but an ongoing education program for the desk officers in each of those departments, so that they know what they can and cannot accept?

Ms Wilson—Yes. My interactions with DIMIA in Canberra were quite good. Although the counter staff did not know specifically about adoption, they located somebody who had more knowledge. I think the difficulty is staff turnover. As I mentioned, we are a minority; very few adoptions occur. I may have personally trained a DFAT officer in China adoptions, but they certainly were not there when my friend went back. So which staff member you get depends on the day you go there. Training and standard operating procedures are required; they may not know them chapter and verse, but they will know that there is a manual they can go to which will tell them which documentation is required in which circumstances. That would be great.

Mr Turner—This is also an indicator—because there are so many interested parties and departments, both state and federal—that a central authority might help ease this problem.

Ms Wilson—It is a matter of becoming an instant expert yourself in the process and learning from the experience of other adoptive parents. I had known other people who had difficulty in obtaining a child's passport, so armed with the information and the types of questions they were asked I took every piece of documentation that I could, including the letter that had been given to us by the Department of Family and Community Services when we first got back to Australia to allow us to register Emily with Medicare. It was basically a departmental letterhead and when I produced that DFAT felt a little bit more confident and were a bit more relaxed. When our friend showed a similar document, they were told, 'You could have made that up on your home computer.' I think it depends on who you get on a particular day.

Mr Turner—It really comes down to the ongoing training process of the staff.

Ms Wilson—It is very difficult when you know there is a roomful of people there and you are trying not to get emotional about it. Frustrations build up. They are getting frustrated.

Mrs IRWIN—If you do not mind me asking, what was the cost factor? How much did it cost you from the time you decided that you wanted to adopt from overseas to the time that you picked up—

Mr Turner—You were fairly close when you said \$20,000 to \$30,000. That is the approximate cost.

Ms Wilson—It was nearly \$23,000 for us. Contrary to popular belief, a lot of that is not going to China and it does not go to the central government in China. About \$4,000 of that \$23,000 went to the ACT government for seminar attendance, application fees and home studies. We gave about \$1,500 to other Commonwealth agencies: DIMIA and police checks from the AFP. A large chunk of that was for the visa for our daughter to come into Australia—that was \$1,200.

We had about \$1,000 in translation costs, both for when our file went to China and when the file came back, because everything comes out of China in Chinese. We gave about \$2,500 to various Chinese agencies for application fees, notarisation fees and passport fees for our daughter to leave China. There was a compulsory donation of \$4,500 to the child's orphanage. We view that as the cost of providing for the child prior to placement and also for providing facilities for special needs children and other children who cannot be adopted. They do not appear to get any central funding from their central authorities. There was about \$8,000 in travel costs and other sundry expenses like getting our vaccinations and the like.

Mrs IRWIN—Are you considering adopting another child?

Mr Turner—Sometimes yes; sometimes no.

Mrs IRWIN—May I ask why?

Mr Turner—It depends on the mood of my daughter at any given moment.

Mrs IRWIN—No, she is gorgeous.

Mr Turner—Sometimes.

Ms Wilson—There are distinct benefits in having two children. They can share the adoption experience. But there are also benefits to being an only child as well. To a certain degree, the thought of going through the process again—although it was not as bad as I initially thought it would be—is still—

Mr Turner—Intrusive.

Ms Wilson—It is intrusive, but the stress of waiting and the like cannot be underestimated.

Mrs IRWIN—Stewart, you just stated that it is intrusive. Why would you make that statement?

Mr Turner—It is the feeling of being judged. Are you a good person? Are you qualified to be a parent, as opposed to the normal people who can have biological children? They do not undergo that process. I agree with the process. It is required. We do not want the child put at risk in any way, but it is by its very nature intrusive. You are being judged. I think the ACT is very good in the way it manages that but, in stories from the other states, they are not quite so careful.

Mrs IRWIN—It came as a shock to me when you stated in your submission regarding police checks that in the ACT you go through the Federal Police but that in New South Wales you are required to do fingerprints. Is that right?

Ms Wilson—Yes, they have to go to the local police station and be fingerprinted.

Mrs IRWIN—To your knowledge, if they are adopting onshore, do they have to do fingerprints?

Ms Wilson—I am not sure about local adoption in New South Wales.

Mr Turner—My cousin has her own child but she got a new partner and he adopted that child. He had to undergo that process. She was the birth mother, but the partner became the adoptive parent of that child and he had to go through that same process. That would have been included in a local adoption.

Ms KATE ELLIS—One thing we heard about a number of times was this culture of fear that seems to exist about people not speaking out about the process and the department. That is a major concern to all of us. Obviously it exists and it exists in a lot of different places. Can you expand on why you think that is so, what has caused that and what will fix that?

Ms Wilson—It is not necessarily the case in the ACT, but in other jurisdictions people have had bad experiences. It is also part and parcel of the intrusive process. You do feel to a certain extent that you are being judged and you want to put your best front forward. As I say, it is a real or perceived power differential.

Mr Turner—You do not want to do anything that would result in a no answer. You want a family and you will do just about anything to get that family. The power rests with the authorities. You upset the authorities and you get a no answer. In some jurisdictions, as you have pointed out, there is no recourse to appeal that decision.

Ms KATE ELLIS—We have heard from a number of people who are quite legitimately afraid about what it is they feel they can say to us. That says to me that there is an issue about the openness of the process and the appeal mechanisms and whether people actually have faith that they are being judged fairly and on the right criteria.

Mr Turner—The particular lady who was our social worker just happens to be sitting behind me right at the moment.

Ms Wilson—Our caseworker.

Mr Turner—Our caseworker. Anything I say here, I have already said to her face, so we do not have that particular fear.

Ms Wilson—In Canberra, it is fairly open, but we network widely around Australia, particularly in the China adoption community, and there are people who feel that they have been disciplined for making particular comments. People in South Australia feel gagged because they feel that if they say anything publicly they face a potential \$20,000 fine for identifying themselves and their children as adopted.

Mr Turner—In New South Wales there are similar circumstances regarding the name of the child. In China or the country of origin they are given a name. In a lot of instances the Australian adoptees will either change that name or incorporate it into their Western name. In New South Wales a law has been passed that requires you to maintain the name that was given in the original country. The child cannot be called anything else. If you go against that view, there is a law preventing you. That is the only state that is doing that. How is that equal to other states?

Mrs IRWIN—It is frustrating because every state and territory is completely different. I know what you have just said about New South Wales is correct. I know of a couple that had to keep the child's first name, but when it was translated it meant 'abandoned child' or 'child not wanted'.

Mr Turner—We actually called Emily, 'Emily Fu Deshu Turner'. Fu Deshu was the name she was given by the orphanage—not by her parents but by the orphanage. We were lucky that it just meant 'lucky, virtuous and gentle'. That was her name. In some instances the name a child has been given means 'found on the street' or 'found by the police' or something.

Ms Wilson—I just have to say that the orphanages are making every effort to name the children appropriately in a format that, these days, is Chinese custom. 'Fu' is the orphanage name for Emily's orphanage. It is an abbreviation of Fuling, the town she is from, although it is a different character. 'Fu' in Chinese culture means 'good fortune'. You see it all around the Chinese New Year. They are then given a generational name, and that is 'De' in Emily's case, which means 'virtuous'. We were told by the orphanage director that that was her hope for that generation of girls. The next generation of girls was 'Hui' which means 'intelligent'. The third generation was 'Ai', which means 'love'. So in our particular case our orphanage has been taking a great deal of care, and we see that in the vast majority of children coming from—

CHAIR—But you call her Emily?

Ms Wilson—Yes, we call her Emily, but she knows her name also as Fu Deshu and sometimes she will just go around saying, 'Fu Deshu.'

CHAIR—How old is she?

Ms Wilson—Three. 'Shu' means either 'virtuous' or 'gentle'. It was apparently the hope of the orphanage when they named her that she would be virtuous and gentle. I would say the vast majority are making every effort to name them appropriately, but it is difficult for a child coming to Australia. And children do—

CHAIR—Yes. You do not have to teach children to be nasty to each other; they know it innately.

Ms Wilson—The children of all our Chinese friends have their Chinese name and they also have their Australian English name—

Mr Turner—Their Western name.

Ms Wilson—their Western name, as their parents do themselves.

Mrs IRWIN—If you had, say, a list of three wishes, what would you like the Commonwealth to be looking at to make changes?

Ms Wilson—I will have my three wishes first, and then he can have his three wishes.

Mrs IRWIN—So we are having three each?

Ms Wilson—Yes, three each. I would like the Commonwealth to have a national system, definitely world's best practice. I would not want a national system that was anywhere near some of the state benchmarks, as I mentioned in my opening address. I would like to see some form of financial support, putting the family creation of adoptive parents on a par with what we do for biological family creation. That could be a taxation model. It could be—I do not know what—any number of models. It could be a rebate. It works very successfully in the US. The US does not seem to have the same chequered history in relation to adoption practices as Australia has. It is quite widely accepted. I do not think the adoption credit is actually the reason why people are adopting, but it does greatly assist them in the process. My third wish would be that the Commonwealth agencies perhaps move away from one size fits all, do better training and have consistency across those agencies in relation to what paperwork they will and will not accept.

CHAIR—But you would not want the worst end of the scale, would you?

Ms Wilson—No. If we knew what paperwork would be wanted, we could go prepared. If we knew that a specific translation was required from a specific body, then we would know in advance. But it is the unknown. It is the unknown all through the adoption process that is actually the stressful part. There is the unknown during the approval process: whether you will be approved. There is the unknown about the wait: is the country going to accept you? And then there is the unknown when you go into an office and you think: 'Am I going to have trouble today or am I not?'

Mrs IRWIN—What sort of feedback do you get once you have put your application in, you have had the home visits, you have gone to the seminars and so on? Can you pick up a phone and just have someone to talk to and say, 'Look, I know I phoned four weeks ago, but I just want to know how my application is going'?

Ms Wilson—Marysia will tell you how many times I used to phone and email her! When the file goes to China, sometimes China sends back a logging date, which is the date it is registered there. That is basically an indication of where you are in the queue. After that, you do not actually hear anything from China until you get the referral through. As far as picking up the phone, I used to drive Marysia absolutely insane. I used to email her a lot rather than phone her. But, as far as getting information from China or knowing where the application was: no. Most adoptive parents for China network on the internet. You hook into one of the US adoption groups and you basically find your time cohort. The American agencies actually—

CHAIR—They follow up more?

Ms Wilson—They follow up more and they provide information so, precariously, they will say, 'Well, the files are at this stage,' and you know that that person has got a similar logging date to you, so maybe your file is there. The biggest unknown that we had was the SARS shutdown. The adoption program was shut for two months, but when that was originally done it was open-ended. That was probably the worst time for us, because nobody knew what was going to happen.

Mrs IRWIN—Just quickly, I want to hear your three wishes, Mr Turner.

Mr Turner—My particular wish list is very similar to Lisa's. First I would like to see an income tax offset for expenses—deduction or offset. Then I would like to see the social workers being allowed to do the social work but some sort of central authority contacting the other countries, doing the paperwork and dealing with the other government departments—let the social workers do the social work and the administrators do the administrative work; let us get these people doing what they are good at, which is dealing with the people on the ground, rather than doing the administration. Mrs Bishop raised a point earlier about funding for the support groups. Why not have a deductible gift recipient category—a section 30 DGR category? Let them do their own fundraising and offer deductible gifts—no other funding from the government; let the public support them.

Ms Wilson—My husband works in the tax office.

Mrs IRWIN— Thank you very much for sharing that.

CHAIR—Can I thank you both very much for coming and giving your testimony today. It does assist us with our deliberations. I said when we started this inquiry that I thought it would be nice, simple and straightforward, and we would do it fairly quickly—and what we found was a minefield. Thank you for your attendance, and thank you to Hansard.

Resolved (on motion by **Mr Fawcett**):

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 11.53 am