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**HOUSE OF
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STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Reference: Adoption of children from overseas

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SYDNEY

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Friday, 23 September 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 George, Mrs Markus and Mr Ticehurst

Terms of reference for the inquiry:

To inquire into and report on:

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

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

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Committee met at 9.07 am**ELLEM, Ms Joanne Gwyneth, Private capacity**

CHAIR (Mrs Bronwyn Bishop)—I declare open this hearing of the House of Representatives Standing Committee on Family and Human Services for its inquiry into the adoption of children from overseas. This inquiry has attracted considerable attention. We have received over 240 submissions to date, and the vast majority are from parents and couples who wish to start or grow their families and help orphaned or abandoned children from overseas. This public hearing allows the committee to meet people from New South Wales who have a personal or professional involvement in intercountry adoptions. The New South Wales government are not appearing today. They were to but the person who was to appear is not well, so that will have to be rescheduled. We will hear from intercountry adoption groups, young adult adoptees and private citizens. Copies of these submissions are available on the committee's web site.

The committee will also invite short, informal community statements from interested individuals. Members of the public, regardless of whether they have given a submission, are most welcome to inform the committee about how international adoption has affected them or attitudes they have. We only require people who are taking part in this segment to give their first name if they wish, and nobody has to be an expert. 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 the committee staff here at the hearing.

Witness was then sworn or affirmed—

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

Ms Ellem—Yes. I will give an overview of what I said in my submission. I would like to say how grateful I am for the opportunity to speak to you today as a parent. It is a great honour to be before you and Ms George. You are people I admire very much. Thank you. In my submission I mentioned the following points: the importance of an adoption program run by the federal government; the importance of individuals working in the adoption body believing in the process that they serve; the excellence of DOCS seminars and their clerical staff; the use of parent facilitators to aid new people who are starting in the adoption program to navigate through that process; the importance of providing adoptive parents who are going through the process with the information they need; and the need for DOCS to have enough staff to be equipped to deal with the workload that they have. Eight staff is not enough; they need more people.

There are two other points I would like to add. We are able, as adoptive parents, to apply for Australian birth certificates for our children when we receive them. That is wonderful, except that on the birth certificate the child's status is listed as 'abandoned'. As a parent, dealing with all the issues that adoptive children will have throughout their lives, I am aware that that issue will be constantly thrown in their faces. The birth certificates will be examined by strangers throughout their lives when they are applying for bank accounts, passports and driver's licences. That is a very personal, private matter that needs to be within families. If it is necessary to have a child's status on the birth certificate it should be listed as adopted.

I come to the issue of the rights of adoptive parents. We always seem to be lesser parents than our biological counterparts yet we look after, care for, nurture and worry about our kids every bit as much as biological parents do. It would be wonderful if government could recognise that we have the rights of parents.

CHAIR—Thank you very much. When you got the birth certificate and it said ‘abandoned’ on it, did you raise that with the department?

Ms Ellem—We have not done that yet. We are in the waiting zone for the next two weeks to be allocated our child. But that was one of the first things that we were told about at the adoption seminar. The social worker, Penny Haskins, who is excellent, said at the time: ‘This is what is on the birth certificate, and if you have an issue with that you need to take it up with your federal member.’ So what better opportunity than to take it up now and say that this needs to be addressed for the sake of our children?

CHAIR—I think you make a perfectly valid point. I would like to ask you about the timing of the process that you have gone through. When you first decided that you wanted to be adopting parents you obviously thought about it a good deal. When did you first apply?

Ms Ellem—We have been in an unusual situation in that we applied back in late 1999. We went through the process and we were just getting ready to prepare the adoption papers when Brent and I decided to withdraw from the program because we felt that we had issues that we needed to deal with ourselves. This process is very good at highlighting things that need to be dealt with. That is a positive that I really must stress is important because it assures you 100 per cent that if you are not ready to do this process you will not be able to go through it. You have to be 100 per cent committed to each other and to the child that you are going to bring into your family. So we went away, did some things that we needed to do, sorted some issues out and then came back and reapplied. We did that in 2002. We put our papers in very early and we received notification for our adoption seminar in May of that year.

CHAIR—But you would already have been in the pipeline, I guess?

Ms Ellem—We had been, yes, but when we came back we had lapsed, so we had to unlapse ourselves.

CHAIR—So you had your first education seminar?

Ms Ellem—Yes.

CHAIR—How did it proceed from there?

Ms Ellem—After the first education seminar we got our paperwork ready to submit. That can be a bit of an extensive process. That took a couple of months. We then lodged that paperwork and we were told that we needed to go through the assessment process. We did have an issue with the assessment process. My husband and I had been together, living in a de facto relationship, for 11 years at that time. When we approached the department, when we first started going through the process for the second time around, we said to them: ‘We’re not married. We’re going to get married. We are making plans to do that. When do we need to do

that so that it doesn't hold up our process?' We were told that we had to be married before our papers went to China.

So we went through the interview process until January of this year, with the wedding booked and everything sorted out for a wedding in July, to then be told that there would be no further interviews with us until we were married, in case we changed our minds. That time was very difficult to deal with because we hit a brick wall with DOCS. Despite the fact that we had been told the information by DOCS itself and had acted on the information given, it was very hard not to feel that we were being penalised arbitrarily. There was no room to manoeuvre on that. We even suggested—because my father is a Baptist minister—that our wedding could be done around the pool at home, if that was going to continue the movement in our process. We had been waiting a long time. We were told that it made no difference at all. No reports would be written and nothing would be done until July. We were then given assurances that, that being the case, because we would then fall into the new DOCS document procedures, our approval process would only take three months. Three days after we were married we met with our social worker, who looked us in the face and said, 'Do you want to change your minds?' We said no and she said, 'We'll finish the interview then.' So she did and we waited five months for approval.

CHAIR—Why did it take from 2002 to 2005 to get to that stage? That is a long time, when we are told that the average waiting period in New South Wales is around a year.

Ms Ellem—Yes, that is said a great deal.

CHAIR—It clearly is not.

Ms Ellem—I have no idea why that is the process. I am hoping that I have not got my dates wrong—that it was not 2003. But, no, we are right: as of January or February of next year we will have been in the process three years. It has been a three-year wait. Why it has taken that long I do not know. I have no idea. It indicates to me that the problems that existed in DOCS when my parents were adopting and facilitating Brazilian adoptions exist to this very day and are ingrained in the very process itself. Because it has happened to us and that is 27 years—

CHAIR—What is ingrained?

Ms Ellem—I think the methodologies in place and the understaffing have been chronic issues in DOCS New South Wales for the past 27 years. That is how long I have been involved in and around international adoptions. There have always been chronic delays. There has always been understaffing. There have always been issues with staff who do not believe in the process that they serve.

CHAIR—They do not believe in adoption at all?

Ms Ellem—No, they do not believe in adoption at all. I find it very hard not only as an adoptive parent but from a business and philosophical point of view. If an individual does not believe in what they do, that colours and affects everything they put their hand to. It does not matter how dedicated and professional they are—and a lot of our DOCS people are very dedicated and very professional—if you do not philosophically believe in what you are doing

then it will colour your attitude towards the people that you deal with and the processes that you do.

Ms GEORGE—Could you expand on your statement that senior staff do not believe in intercountry adoption and on the words of one of the senior caseworkers quoted in your submission? I find it amazing that public servants can work in an agency that is all about facilitating intercountry adoption and have that attitude. Can you elaborate on that and explain why you think that attitude prevails in the department?

Ms Ellem—I was at a China information day. ASIAC hold those twice a year for the different countries and the different programs to give adoptive parents an insight into what is happening in the adoptive country programs. There are representatives from DOCS as well. We had just been given word that our adoption had been delayed and we were both very upset, and I was there to try to talk to this senior DOCS individual to see if we could come to some agreement. There were a number of couples there in various stages of the program. The first words that came out of the mouth of the senior DOCS person that was there—the person, I might add, who was also at that stage responsible for approval of couples to adopt—were: ‘If I had my way, none of you would be here. I don’t believe in international adoption. As far as I am concerned, you should all be fostering.’

That is a hell of a statement to make to a room full of adoptive parents. All of a sudden you begin to realise what is really going on. I was very disappointed—I was crushed. It all became apparent to me. Up until that point I had been so pleased, because I could see the bad old days of adoption in the past and I thought that they were a thing of the past. I have a number of horror stories that span the 27 years that I am talking about, things that had happened to family friends and even to my parents. These are things that would, to anybody looking on outside, raise the question: why would people put themselves through such a torment to adopt a child when they have to face individuals who are prepared to do absolutely anything they can to stop the process going through?

I spoke to my dad at length about this because of my dad’s involvement in the eighties and nineties with DOCS and with the adoption program itself. I know it was a very frustrating thing for them. He believed that there have never really been any extensive studies done into the positive aspect of adoption in this country. There has been a lot of policy made and decisions made on adoptions that have been termed as failures. They are the background; that is where the policy is coming from. If this were a scientific or a mathematical field, if anybody handed you data that was only coming from one specific angle of a problem, a scientist would tell you that the information was flawed because you do not have both sides of the picture. Why have policies never been made dictated by adoptions that are wonderfully successful? They are not.

There is a problem coming from the universities. There seems to be a mind-set that has got to be at least 30 or 40 years old that goes back to the bad old days of the stolen generation and back to when adoptions were things that were considered secrets and the hideous problems that young teenagers had to go through. I cannot think of anything more devastating than hitting 16 years of age and finding out you are adopted. I would be breaking into buildings as well! There were mistakes made, but we have to move forward. It is not 1975; it is 2005. We are letting our children down by bogging ourselves back down in policy that is too old. We have got to be progressive and move forward. That is the only thing we can do for parents and also for our

children. If policy is being made based on situations that are 30 years old then that has to change, because we are moving forward—it is a modern society and adoptions are not stopping. More and more people are adopting every day. We are batch 23. I just saw on the net last night that batch 32 for New South Wales is just opening and batch 31 just closed. That is a lot of people wanting to adopt from just one country alone—China.

Mr TICEHURST—Joanne, you are a wonderful advocate for adoptive parents.

Ms Ellem—Thank you.

Mr TICEHURST—I find very strange the points you made earlier on in your opening statement about adoptive parents seen as lesser, but then that does go hand in hand with the comments you have just made about attitudes of people towards adoptive parents. Of course, you had to be married first. If you look at the history of marriage, probably one in three marriages fail. Normally, if people have been together in a de facto relationship for many years, for all intents and purposes they are married.

Ms Ellem—That is right.

Mr TICEHURST—I have seen many people in that role. Generally, people who are determined to adopt would be good parents—and I am not sure what the history is. You make a very interesting point about the legislation being targeted at the wrong angle. Unfortunately, with the way our media operate, sometimes it is the controversial side that gets the hearing but the positive side, I agree, should be pushed forward even more.

Ms Ellem—Lately in the press a lot of positive things have been said about international adoption, which has been fantastic. When my first sister came from Korea back in 1978, DOCS had advised everybody to keep the adoption process secret but, more than that, the press was filled with stories of baby buying and how wrong it was to remove a child from a culture, even though an orphanage is no culture. In the eighties the press was incredibly very bad but, especially over the past 12 to 18 months, press coverage has done almost an about-face. While there still may be little negative tones out there, I have to point to two excellent articles by Hamish McDonald in the *Sydney Morning Herald*—there was one last week. Ray Martin on Channel 9, of all places, every now and then props up a story on international adoption that really takes your breath away and you think, ‘Wow, there are actually media people there who don’t think we’re the enemy; they think we’re friends.’ That is invaluable, because it teaches the community. There is a lot of pop culture, and everybody learns from pop culture now. People are not learning from books; they are learning from the telly. But if they can give a positive outcome, instead of people asking me how much my baby is going to cost, they are saying: ‘Oh, the process is taking a long time. When are you going to hear? Can you let us know?’ That is a huge turnaround and a huge difference. I have tremendous hope for us as a community because of that.

Mr TICEHURST—I have the privilege of knowing a little Chinese girl who was adopted. In fact, the mother is sitting right behind you. It is wonderful see the love and devotion that that little girl gets in her Australian family. If we have more examples like that in this country, that is the best thing we could do.

Ms GEORGE—Joanne, you say that Australia has the potential to be a model in the area of intercountry adoption. What extra processes and changes would be needed to fulfil that potential?

Ms Ellem—I do believe that. I believe that, with us all working together, we have the opportunity to create something that other countries will want to copy. I am a layperson. I had a couple of years working in the Public Service, but that was a long time ago, so I am not a person to be able to dictate what happens. But I was thinking about this the other night—and I have a document here that I will give to Margaret to give to you later. I really believe that we need to be running adoptions in this country on a federal level. Probably the most logical thing would be for it to be overseen by the Attorney-General's Department. Because all the states need to be unified across the board, that would also unify adoption policy and processes. There is a lot of confusion with overseas countries as to the different needs and requirements of each state, and that causes delays and other problems. There are all sorts of issues there.

On the reason for wanting it done federally, I really believe that all approvals should be handled federally and not on a state level. I absolutely believe that 100 per cent. I believe that a lot of the processes consist of double handling. New South Wales has done their damndest to try to address those issues and to speed up the process, but I think they are let down by the fact that they are so chronically understaffed, mostly by part-time people, and they cannot cope with the workload. It does not matter how many streamlining processes you put in place; if you physically do not have the time to deal with those processes, it all falls apart. A federal body would have a unified set of policies and procedures in place that could be followed across the board, so you would not have the sorts of issues that are occurring in Queensland, in particular, at the moment.

I would like to see parents and DOCS—or parents and whatever the federal body is called—working in conjunction with each other. There is a huge resource in dedicated, adoptive parents who would be putting their hands up and volunteering and saying: 'I'll be a mentor. I will help people navigate their way through the bureaucratic mess, the mayhem and the nightmares; I can do that.' These people could also speak about issues that are not talked about at a DOCS level or at seminar levels. There is information that adoptive parents need to know, such as the feeling of helplessness and how to deal with that helplessness and how to deal with the feelings of fear. I fluctuate from being scared to death one minute and being overjoyed the next. It is like swings and roundabouts or big waves. There are a lot of people out there who go through this process who do it in the dark. DOCS cannot, because of time constraints, money constraints and staffing constraints, give us the information that we need to ensure that we are informed during this process. Parent facilitators could do that.

Parent facilitators could give advice. Parent facilitators would be a valuable resource. They would be able to do all the things that DOCS or an adoption body physically would not be able to do. That would be unique. That is what I think would set us apart from anyone else, and it would be fantastic. You would have a system that operates not only from a government level to ensure that children's rights are being protected and that kids are not being bought. Agency adoption is too fraught with area for abuse. Whichever way you look at it, agency adoption is going to be dedicated to the speed of the process and the money paid. It is not going to be dedicated to the needs of the children. But a federal body dedicated to the needs of the children

and working in conjunction with parents—all working together for the needs of the child—would be fantastic.

CHAIR—Your testimony about the anti-adoption attitude is one that I would never have believed I would find when we started this committee’s hearings. But what we have found is what you have encountered. We find it is an attitude that permeates right across the bureaucracy. That is not to say that every individual person has that attitude; it is just a culture of anti-adoption that applies in Australia, where we have fewer than 100 children in Australia adopted every year but thousands of them fostered. It is only now that we are finding that certain jurisdictions—and we have had discussions with the ACT and Tasmania—are starting to reappraise and understand the value of permanent families for children. If you are really interested in the best outcomes for children then adoption, being a legitimate way to form a family or to add to a family, is going to have to come back into practice.

Ms Ellem—Absolutely.

CHAIR—That is going to take a lot of change. I was interested in the comment that you made about there being absolutely no studies about the success or failure not only of adoptions but also of fostering, and yet anecdotally we are starting to hear some dreadful stories. I think an appraisal has to be made of a policy that was made over 20 or 30 years ago. I think what you have had to say to us today is extraordinarily important, because it is coming from someone who is dealing with it and wanting to look after a child. You might be interested in the evidence we took from a young girl in Tasmania last week. Her name is Amee. She is 14 years old and she comes from Ethiopia. The question was put to Amee: ‘Should people be putting more money into the countries of origin where the children are rather than adopting children and bringing them to Australia?’ Amee gave the best response. She said that she was so proud to be an Australian, that she loves her parents and that she loves this country. She said that, if she had stayed in Ethiopia, as a woman her life expectancy was 39.

Ms Ellem—That is absolutely correct.

CHAIR—Whereas we have obligations as a nation to assist other countries in looking after their young children who need assistance, there is no written law that says that children must be sentenced to never having the opportunity to come and experience a loving family here. We are seeing so many examples of loving families being created by adoption—and not denying culture and keeping up those connections. Support groups are important. I have found things in this inquiry that I never expected to find. I never expected to find the complexity and this underlying culture. Thank you very much for being with us today. It has been a wonderful testimony.

Ms Ellem—Thank you.

CHAIR—How long will it be before you think you will get your baby?

Ms Ellem—If things continue to go the way they are, we should hear something in the next two to three weeks. I will let you know.

CHAIR—We look forward to hearing from you.

Ms Ellem—I will do that. Thank you very much for letting me speak to you today.

[9.35 am]

BEVERIDGE, Ms Lynelle, Founder and Director, Inter-Country Adoptee Support Network

MATTHEWS, Miss Analee, Editor and New South Wales Representative, Inter-Country Adoptee Support Network

WARNER, Mr Christopher Yeong Il, Member, Inter-Country Adoptee Support Network

CHAIR—Welcome. It is a great pleasure to have you with us today.

Witnesses were then sworn or affirmed—

CHAIR—Would you like to make an opening statement?

Miss Matthews—First of all, we want to say thank you so much for this opportunity. More and more the voices of adult adoptees are being heard in these sorts of forums and are being invited along to the process of intercountry adoption. I think that is reflected in the involvement of ICASN in different organisations at different levels of government throughout the country. We are interested to hear about the terms of reference of this inquiry but our role here today is more to enlighten you to as to the experience that adopted children have. While much of the focus will be on the process of adopting children, we would like to give you the perspective of what it is like for children and how often the importance of support after the adoption has taken place is neglected. Once the papers are signed there is not a great deal of support for people like us in navigating our way through the experience that we have had. That is probably our focus for today.

We also want to enlighten you about the fact that, while we understand the goal is to create loving families from intercountry adoption, it is not an easy journey and it is not a journey or an experience that ends once parents have their children. That is the perspective of a lot of agencies. ICASN grew out of the development of this book, and Lynelle, being the founder, can explain more about how that came about and where it is at today. The book *The Colour of Difference* was put together by the Post Adoption Resource Centre in Sydney. It profiles 30 or so adoptees from different countries. It was an amazingly unique and revolutionary book. There is nothing like it even today, I think. It was kind of the first public opportunity to see what it has been like for us.

Once that book was put together, the friendships and the relationships that were formed through that project were kind of the catalyst for ICASN being formed. What we have found is that a relationship between adoptees is not like a relationship that you can find anywhere else. I often liken it to Alcoholics Anonymous, in that an alcoholic can understand an alcoholic more than anyone else can; an adoptee can understand an adoptee more than anyone else can. So supporting each other and being in contact with each other is something that has been seen to be so important, and our network is so important for that.

It is a voluntary network; it only exists because of committed individuals throughout the country. It only exists because those committed individuals are willing to spend their own money to be involved, to provide support and to deliver resources to other adoptees. Support is the key. Like I say, it only exists because of committed individuals. Our role today is to help you learn about what it is like at the other end and how important it is to provide services and support for the journey after the adoption has taken place.

CHAIR—Chris, you say you are part of the revolutionary guard. Would you like to say something?

Mr Warner—My parents adopted me in the eighties, and after the adoption process they were pretty much thrown into the deep end. They had no idea of what an adopted child's needs would be afterwards. For me, studying my culture and learning about it has probably been one of the most helpful things for me in maturing as an individual and as a person—more than anything else. That is why I believe that post-adoption resources are crucial in terms of the child's development.

CHAIR—Would you like to just briefly say something that you have encountered and have had to deal with, and how having fellow adoptees to talk to has given you a sense of backup and understanding?

Mr Warner—It is a bit of an extreme case because of where I lived—my parents moved down to the Hawkesbury. If you have never been to the Hawkesbury, when you go there you step back in time a few generations, and it is still a very Anglo-Saxon area.

Mr TICEHURST—It is better when you cross the Hawkesbury!

Mr Warner—Yes. And at the time I was growing up. I was young, and because of my age I was obviously an easy target. I experienced a great deal of racism directed at me. When I was in year 1, people would constantly come up, spit on me and tell me to go back to my own effing country. At that time, I had no idea that I was any different from my birth parents. I was always told I was adopted, but I had no concept of what being Asian was or what it was about, and so I thought of it as a bad thing. Having said that, meeting other people who shared similar experiences as adopted kids and who also have a reflection in the mirror that is completely different to what they think they are helped me a lot to understand that I am not alone in this world, that other people experience what I experience, and that together we can help each other.

CHAIR—I hope your experience has got better as you have got older.

Mr Warner—Absolutely.

CHAIR—I am glad we have got better too.

Mr Warner—Times have changed.

Ms Beveridge—Lynelle, would you like to say something about what you feel the importance of this connection is?

Ms Beveridge—You mean specifically important to the network?

CHAIR—Yes.

Ms Beveridge—I founded it six years ago, and that basically arose because I was adopted in a rural region of Victoria, in Gippsland. I went to school and grew up in a community where I was the only ethnic person, so of course I had a lot of racism. I had things happen, like guys would not date me, and I thought, ‘What’s wrong with me?’ It was just because I look different. I did struggle with that. In my story in the book I have written that it severely impacted my concept of self and how I viewed myself. I did not think I was pretty, I did not think I was attractive and I had all of those negative self-perceptions, but I attribute that largely to the fact that it was an intercountry adoption in the country. In those days, there was not the education and awareness there is today for adoptive parents in particular and for communities. Even in schools today, while I have heard of some schools where there is some education for race issues and for different family structure issues, I think it is still an area that needs a bit of development and improvement. That is probably the key area where particularly adopted teenagers that are growing up today would still be experiencing some issues.

I have found the network to be incredibly important to my ability to process my background, my past and my identity, to find a sense of belonging and to find people who can relate and mirror back to me that my experience in feeling abnormal was normal. So it has been very important. It has been probably six years, and I must say I have come to the other end of the journey feeling a lot more at peace and very at ease with who I am. ICASN has been a large factor in that.

For me it was about dealing with my frustrations at the lack of support that was out there. I did go looking for support networks for help. When I came to Sydney there was nothing. I scanned through all the groups. There were all these 12-step programs and things around but there was nothing for adoptees. Today there still is nothing specific to intercountry adoption, apart from what I have seen with ICASN. There are other organisations, like VANISH and Jigsaw, in some states, but they largely focus on domestic adoption and they still largely need improvements in their resourcing and awareness of intercountry adoption issues.

CHAIR—What do you think of the practice that is now being adopted and insisted on with China, for instance, where, when parents go across, they go in batches so that the parents form a relationship and they try to keep the adopted children in contact with one another?

Ms Beveridge—I definitely think it is good to give the children a sense of community. I have heard many stories of how some adoptees, even in my age group, have been raised in a way that their families have kept them together with other adoptees. I can see that that has definitely helped them in being able to relate to someone like them and to be able to see that their situation is normal. I would have loved that opportunity but I never got it.

CHAIR—Do you think we have improved in our adoption procedures and attitudes since the 1980s? I certainly hope so.

Mr Warner—I believe that DOCS does an absolutely wonderful job in the way the process is run. I talk to a lot of people who are adopting kids. In the early stages they say, ‘Why can’t we

have the kid now?' Afterwards they say, 'I am glad we had that sort of waiting period, because at the beginning we weren't ready.' What people do not understand when they adopt a child is that it is not about you. That child comes, in a way, preprogrammed with issues. I saw that first-hand. I did not believe that kids came with abandonment issues until I went to the orphanage in Korea. You would see babies in rows and they would be crying. If you put your hand close to their face they would shut up because they could sense love. They are there for a few months without that sense of connection, so they are going to have trouble in their life connecting to other people. I think DOCS does a wonderful job in that it has seminars to promote attachment and so forth. The parents who have spoken to me afterwards say that the best advice they have ever had has been from us, the older generation of adopted kids, giving our knowledge of what we have been through. Hopefully those parents will not need all that knowledge, but why do you practise a fire drill? Just in case there is a fire.

CHAIR—Exactly. With regard to the question of attachment, we heard some evidence in Tasmania last week that there are now attachment seminars being run and that people are paying a lot more attention to the fact that when a baby is in an orphanage there is not a response immediately to a cry or a lot of crying. This is now being recognised.

Ms Beveridge—It happens all through your adulthood as well. I know that for adult adoptees in our network it is a lifelong trauma; it really is. You constantly have problems trusting. You constantly fear people abandoning you. There are things you can do to address that, and that is one area where there is a lack of resources to help and support. There is a lack of adequate professional help for adoptees. My background is in psychology, so I am quite aware of the mental health issues. Even though people say, 'We don't want to hear just the bad side of adoption,' we do have to remember that there is a proportion of adoptees who have a bad experience. They have a hard time with their adoptive parents, suffer abuse and all sorts of problems and yet they are the quieter ones because they are too afraid to come forward and speak up. I guess I take it on myself to be an advocate for those people because I too have come from an experience like that. I have grown through it, but I have only grown through it because I have had the means within myself to do that. Not everyone has that, but they should be given the opportunity. We need to keep aware of that.

Mr TICEHURST—You have raised some very important issues. I would like to congratulate all of you for coming forward and doing the work that you are doing. It is obviously very important. How old were you when you arrived in Australia?

Ms Beveridge—I was six months.

Miss Matthews—I was 10 months.

Mr Warner—I think I was about six to eight months. I was still a baby.

Mr TICEHURST—You have certainly been here for a long time.

Ms Beveridge—Yes.

Mr TICEHURST—It is interesting because I would have thought that, with some of the experiences that you have mentioned, you might have come here as older children. I have

learned from going around schools that by the time a child is five or six they are set for life. But you have obviously had the experience of being here very early.

CHAIR—That first six months is very important.

Ms Beveridge—I think that people forget that a child does have a significant amount of trauma from being separated from their birth parents and removed from their culture.

Miss Matthews—It is about brain development as well. As a baby in an orphanage or an institution, you are crying because you want something—whether it is touch, food or whatever it is. You have a basic need and you are asking for that in the way that a baby does. When you do not get it instantly—like you mentioned—it is all about brain development. Your brain does not develop that pattern that says, ‘When you cry, you are going to get a response.’ So you develop from that moment and it does not matter if you are five months or a year; that is what is happening: your brain is not developing in the same way as somebody’s who is in a different situation. That is why it travels with you through adulthood as well.

Mr TICEHURST—You have raised a very important issue, because it is not just adoptive children who have those sorts of issues. I must say that I am an advocate of a mother or father being with the child when they are very young. Certainly those experiences that you mentioned about those needs being responded to fairly quickly are very important.

Ms Beveridge—This is why it is so important to me, and I cannot advocate strongly enough, that in any process or methodology that government departments go through in allowing prospective parents to be parents you need parents who have emotional stability. That is the foremost thing that comes to my mind. I do not think it is about material wealth; it is more about their emotional stability and their ability to respond and not have their own baggage get in the way of seeing to the needs of a baby who actually needs a lot of things and has trauma.

Mr TICEHURST—Lynelle, you mentioned that you had a bad experience. Was it in terms of abuse with the parents you were brought up with?

Ms Beveridge—Yes. And I wonder what screening happened back then. Of course, I hope that it has improved a lot today. I have not met any young teenage adoptees who tell me that they have been abused, but I have met an awful lot of adults who have told me that. It is a worldwide thing; it is not just Australia-wide.

Mr TICEHURST—Analee, were you brought up in a city or a country area?

Miss Matthews—Similarly to Lynelle, I grew up in a country town in Victoria. We had a similar experience in that I was the only Asian person there. I had nobody to mirror back my ‘Asianness’ or another adoptee. Again, that isolation and not having that mirroring impacts on how you feel about yourself.

Mr TICEHURST—And, Chris, you got stuck in the Hawkesbury?

Mr Warner—Yes. When people adopt, I am the biggest advocate for them having to pick a large multicultural area to live in. Even though they might say, ‘We live in a rural area and we

want to adopt from Korea,' you have to ask: 'Are there any other Asians in the area?' That is not to say that they should not be looked at as applicants, but it should be strongly suggested to them that, from all the evidence given here, they should really consider moving. I have heard too many stories of people living in rural areas and kids struggling with identity issues all their lives. Then you meet kids who are raised in Sydney and they are fine with their identity because they have been around other Asians. They are quite happy that they are Korean and they embrace that. It took me ages. It took me two trips to Korea before I decided to embrace the fact that I am Korean. I am 19 now, but it took me a very long time to finally say: 'Yes, I am Asian, I am Korean and I am proud of that.' I am proud of being Australian as well, but I think that culture is an important thing.

If children are left in orphanages they will grow up and they will live life. I had the opportunity to meet my birth family. Not a lot of kids do. That has probably helped me through issues, so I am a bit fortunate that way. My Korean brother and sister lived their whole lives in orphanages, and they both have computer science degrees. So orphanages are not that bad. But, for me, knowing the culture is absolutely one of the most important things. Yes, they are Australian, but people who come here from England still study English history. People who come from other countries to Australia still keep in touch with their background. I think it is important that we not lose sight of our cultural heritage. I am Korean, and that is still a part of my cultural background.

Mr TICEHURST—Do you think it is the parents who are creating these racist type issues for the kids? Kids generally will find something. If one of the Anglo-Saxon kids, say, is a little bit different—different ears or whatever—they will always be picked on. It seems to be a bullying type of attitude.

Miss Matthews—Yes, absolutely.

Ms Beveridge—That is where education in schools can help.

CHAIR—Yes, anti-bullying education. I agree.

Miss Matthews—I will share with you an analogy that I use with prospective parents in order to give you a bit of an insight into what it can be like for an intercountry adoptee. If you drive a car that is registered in New South Wales, people who see you in your car think that you are from New South Wales because of your numberplate. If you take your car to the mechanic and they give you a car with Queensland plates, people who do not know you will automatically assume you are from Queensland. That is okay. You might enjoy that for a week or so. You might get away with a few things because you know everyone is assuming you are from Queensland. But what if the mechanic says, 'I cannot give you your car back ever,' and, road laws aside, you get to keep the Queensland plates? How would you feel driving around with Queensland plates when you are from New South Wales, knowing that everybody assumes you are from Queensland? That is kind of what it is like when you come from one culture to another. People look at you and assume that you are one thing when in actual fact on the inside you feel something else. We feel like white Australians and it can shock us sometimes when people treat us based on how we look.

Mr TICEHURST—That is a very interesting point. My experience in hiring cars is that if you went to Victoria they would probably give you a Queensland plate! But I am always very sceptical about Victorian drivers when I see them here!

Miss Matthews—You have got two of them here!

Mr TICEHURST—After a while you see that there are little telltale signs on the back of the cars and you know they are rentals. But that is a very good analogy. Excellent.

Ms Beveridge—The other thing Chris briefly mentioned before is that he is from Korea, which has extensive post-adoption support services for adoptees returning to their birth country. There are many adoptees, a large majority of them in Australia, who do not have that opportunity. We need to look at providing some resources or something to help adoptees go back to their birth country to search for and find their birth parents. A majority of them want to do that. Because of the way adoption was run 30 years ago we have hardly any records and hardly any ability to go back to our birth countries and find out our histories. I do not know what can be done, given that it is an international issue; it is not just an Australian issue. But I guess there needs to be a focus and emphasis on, and perhaps a review of, how we are trying to facilitate this now. That way, when the child is 20 or 30 years old, we will at least be able to give them as much information as we can, not have lost it somewhere in the process.

CHAIR—Certainly Korea has an active policy of wanting to stay in touch with its children who have been adopted out.

Mr Warner—Absolutely.

CHAIR—That is part of the deal right from the beginning, whereas dealing with China is totally different. A very poignant story was told by one set of parents who came before the committee. They had gone in a batch to China and had brought back their babies. The parents returned to the police station where their baby girl had been left. The policeman broke down in tears, put his arms around them and said, ‘Twenty-seven girls have been left at this police station and you are the first people to contact me.’ They now stay in touch with him. They send him photographs and regard him as a sort of honorary uncle.

Miss Matthews—That is exactly what we want to happen. And, through the education process, that is what we try and advocate.

CHAIR—That concept of the support groups bringing children together, where they have picnic days and so on—

Miss Matthews—Fantastic.

CHAIR—They use their ethnic costumes and enjoy that part of it.

Ms Beveridge—I went to the Queensland one that you were at. I remember presenting you with flowers. It is a pity we do not have that kind of thing statewide.

Mr Warner—Absolutely.

Ms Beveridge—I think it is a fantastic event. It was the first one I had ever attended. I thought, ‘Wow! I’ll keep going to these.’ It is celebrating our difference. It is celebrating our experience.

CHAIR—Who you are.

Ms Beveridge—It really was bringing everyone together. It felt like a community.

CHAIR—It felt like a terrific day.

Ms Beveridge—It was. It was great.

CHAIR—So you think that would be a good model?

Ms Beveridge—Yes, for each state. Definitely.

Mr Warner—If they cannot actually go back, then bring the culture to them. When I went to Korea I met people from Australia also doing the same thing I was doing, which was going back and searching. I made friends with those people and now they are good friends of mine. I think America has one of the best systems. They have a whole bunch of kids go over at the same time and then they can all share their experiences together.

CHAIR—That is the batch. That is what we are talking about.

Mr Warner—With a group, you can then all talk about it.

CHAIR—Do you mean going back?

Ms Beveridge—This is returning to your country.

Mr Warner—It is a whole group of kids going back at the same time. I think that is such a good idea. People say that our adoption process in Australia is bad, but in Korea they adopt them out because you cannot accept another child into your bloodline if it is not a blood relative. Most Asian countries still have this strict rule on the bloodline. It is so important that you keep the bloodline. When people adopt in Korea, the person pretends they are pregnant for nine months and then pretends for the child’s entire life that it is actually one of theirs. That is why it is so hard for people to go back and search for their birth family.

CHAIR—They do not want to know.

Mr Warner—They are so secretive about it. If the mother has given up a baby and then remarried, there is absolutely no possible chance that they will meet their parents. Often, when they first give up the child, they have the choice to say whether they want to be contacted or not. If they write ‘not’ there is no possible search. In those circumstances, if those children are still wanting to search, I think embracing the culture, whilst it may not be what they are looking for, will give them some peace of mind. Also it is important to know that they were given up for the right reasons. I grew up all my life with this little story that I was told from the adoption agency that I was a child of a one-night stand, a high school fling. Then I found out that my parents were

happily married for a number of years and that I have an older brother and sister. When I was told that story that changed my—

CHAIR—Your perception of you.

Mr Warner—My perception was that I was a bastard child, and how could anyone else love me if my own mother did not. That made me grow up that way, but when I found out the truth it completely altered who I was. Now I am more open to talking about it. Back then I was closed and I held everything so close to my heart because I did not want to get hurt. I would say to kids, ‘I guarantee you 100 per cent that the story you got from Korea is false.’ They have 10 or eight stories, which they circulate. They change them to make them sound like big sad stories so that people go: ‘We should love this child more.’ I do not know why they do it. That is what I mean by people complaining about our adoption system. I think our adoption system is one of the best in the entire world.

CHAIR—There are going to be children who are adopted and do have the background of the story you were told. They are not going to go back and find a brother and a sister.

Mr Warner—That is what I am saying. I think I am genuinely one of the fortunate ones, one of the extreme cases. When I met my parents, they had 10 or eight social workers in the room because it was a big thing for someone to meet a parent. It never happens. I would explain to them that there are other kids who have that same story. Unless there are a lot of truck drivers going around Korea having promiscuous sex, it is probably not true. I explained that to one girl who came to me with that issue and that was a huge load off her mind, knowing that the story is a complete lie. It is good to tell them that this is what we know: it may not be true, so do not take it like the Bible. It is not the Bible; it is a little hearsay story that they tell parents.

Miss Matthews—That is the thing with intercountry adoption, as well. In domestic adoptions there is always the focus on reunion. There is always the focus of: ‘Have you found your birth parents?’ For the majority of us it is just not possible. I guess our equivalent is returning to the birth country, learning about the culture first-hand and learning about the people. Often intercountry adoptees will want to try and find whatever they might be able to find with whatever paperwork they may or may not have. The fact is that most of us at some point or another will want to go back to our country and learn as much as we can about our beginnings. I think that the education for parents needs to address this. It is almost inevitable that you will want to find out as much as you can about where you came from because it helps you figure out where you are going.

CHAIR—Even if you are born into a family where you know who your mum and dad are, you are still interested in who your forebears were.

Ms Beveridge—It is a natural instinct.

CHAIR—We all share that.

Miss Matthews—Yes, absolutely.

Ms GEORGE—Can I just ask to what extent the non-government agencies and government departments draw on your experiences in preparing parents for intercountry adoption or in post-adoption processes. Do you get asked to speak at seminars?

Ms Beveridge—It depends on the state government departments. So far we have fairly good relationships with the government departments in New South Wales, Victoria, Queensland and Western Australia. Actually, we do in South Australia too. In Tasmania it is a bit more difficult and the Northern Territory is a bit difficult. But most of them do facilitate prospective parent workshops and will have adoptees working with them. Something I have seen overall from the whole intercountry adoption arena in Australia is that we really are lacking coordination amongst government departments, non-profit organisations, adoptive parents organisations and organisations like ours. We do not facilitate and help each other. We do not share information. It has only been since ICASN has started doing that that we have built up the network with our fellow departments and parent organisations. That never existed before. I am astounded that we have not thought to do it and that there is not a national umbrella to do it under, and funding.

CHAIR—I guess no funding comes with it either.

Ms Beveridge—Exactly. There is no funding.

Mr Warner—When we speak it is all just volunteer work. It is all—

Miss Matthews—Out of our own pockets.

Ms Beveridge—We have to make sure there is a balanced perspective on intercountry adoption, where all parties have a voice so that we can get a balanced perspective, not a skewed perspective. That is why it is important that ICASN exists, because you have a first generation en masse who are adults in professional fields of their own and who can participate and try to make it better for future generations.

Ms GEORGE—I must say you are wonderful ambassadors for your network—just stunning.

Ms Beveridge—Great.

CHAIR—I guess there are not records for when you three were adopted. We can only find figures that go back 10 years.

Ms Beveridge—Yes. We are not even on the books.

CHAIR—You are not on our radar. I guess when you were adopted the incidence of overseas adoption was pretty small.

Ms Beveridge—Yes.

Mr Warner—I was born in the eighties. There were kids adopted before me, but I am still from one of the earliest batches of Korean kids to reach Australia. Also, when my parents attended the seminars it was explained to them in great detail about malnutrition and all the bad things that I might have, coming in. It was a pretty big turn-off, I think, but it was also good to

see how much they actually wanted to adopt a child. So it was good and bad. I am very thankful now that a lot of organisations ask me to speak at things. It is getting up and telling very personal details about your life to a bunch of complete strangers but, having said that, I lived these experiences for a reason. I went through all the trauma, I went through the good times and the bad times, and if I do not share my story how can people learn from it? That is what this organisation is trying to do. The best experience is life experience and we try to pass that on to parents. Hopefully, then their kids will be a lot more well-rounded than we are.

Ms Beveridge—I think we have actually turned out pretty well, though!

Mr TICEHURST—If they are half as good they will be fine.

CHAIR—Chris, have you got a good relationship with your parents here in Australia?

Mr Warner—Yes. I love my parents and I respect them. That is why I understand that it must have been hard for them. They say that when they adopted me there was none of this. There were no inquiries, no nothing. It was just them in the deep end, so they had to wing it in some ways. They tried to treat me as one of the regular children and that did not work out. Then they tried to treat me in another way. We are now happily in a middle section. I am happy with how they treat me and they are happy with the response they get.

I think I was fortunate that when they adopted me they had five other kids, so they were just looking to boost the ranks. They were experienced in parenting, so I was a little bit fortunate in that matter. Having said that, my parents have said that they wish I had spoken about these sorts of things. They wish they had spoken about my adoption a lot more to me. They suspected I wanted to talk about it, but because I was so closed up I did not. They always tell parents now to really push the issue. When you think your kids are ready to talk about it, push the issue.

CHAIR—That is good advice. What about you, Analee?

Miss Matthews—My parents are learning as I learn more about how this has impacted on me. I do consider myself a late bloomer in exploring all of this. It has only been in the last five years that I have looked into it all. When Chris said he should have talked about it earlier I thought: 'Far out! So should I, then, because I was 25 at the time!' My parents and I have a great relationship. A lot of the issues that come with being adopted and being separated from your birth mother impact on our relationship a lot. There is the whole fear of abandonment and lack of identity and self-esteem and all that sort of thing, so there are a lot of underlying trust issues which are completely mine. My folks did the best they could without any education at all and, like I say, they are learning with me along the way. Let us just keep on doing that.

CHAIR—Lynelle, you had a bad experience, but where are you now?

Ms Beveridge—In those years when I first started talking about my bad experiences I think my parents felt, as most would, fairly threatened and pretty upset about the fact that it had happened anyway. But today I have a very good relationship with my parents. It has been a journey of a lot of healing for our whole family. I think that deep down my mother and father probably still feel a little bit bad about not having done it better, or they think, 'If only we had known better.' From that I say that we would like to help with adoptions today so that parents do

not have to feel like that anymore, so that adoptees do not have to be doubled up with issues on top of the adoption issues and to make it a little easier. It is not easy; it is a complex journey for all involved, and the work that DOCS does and the work that a lot of the government departments do is so essential. This is where it starts in making sure that we do improve services and that adoption is a better thing.

CHAIR—So at the end of the day you are part of a family that wanted to make you part of their family, and it is a family.

Ms Beveridge—Yes.

CHAIR—You were not fostered; you were not anything else. You became part of a family. Do you feel good about that?

Miss Matthews—Yes. We can only speak for ourselves, but I think we feel good about it. Our goal now is to make the journey a little easier for the future generations.

Ms Beveridge—There are adoptees I know who still struggle and do not have good relationships with their families. There are a number of them.

CHAIR—I know a few people who are born into families who do not have good relationships with their families.

Ms Beveridge—Exactly. It is just a normal thing anyway.

Mr Warner—One of those things.

Mr TICEHURST—How many people are in your organisation?

Ms Beveridge—We have over 220 adoptees in Australia, and worldwide there are probably another 150 contacts as adoptees. We also have over 250 organisations, including government departments, adoptive parents organisations and professionals, who are on our database as contacts.

Mr TICEHURST—But how many people run your local operation itself?

Ms Beveridge—There are only about six of us.

Mr TICEHURST—And you are based in Sydney?

Ms Beveridge—No, they are based in different states. We have two key people in Queensland, two in New South Wales, one in Western Australia and one in South Australia. But I have a full-time job that is more than a full-time job, so does Analee and so do all of our people.

Miss Matthews—It is just fitting it in where you can.

Ms Beveridge—I have sought help and professional advice before on how to structure our organisation so that we can better fit the need, but there is a lack of funding and a lack of trying to get help.

Miss Matthews—And volunteers, as they always do, come and go as well. So it is just about relying on their passion.

Ms Beveridge—Our six people, though, have been pretty stable. We have had these six people for over four or five years now. But I would like to see that grow and I would like to see a little bit more help.

Mr TICEHURST—It is important work you are doing. To be able to come out and talk about your life experience like that is tremendous. I would like to congratulate you all.

CHAIR—Could you table copies of those books for us?

Ms Beveridge—Yes. They are for you.

CHAIR—Is it the wish of the committee that it accepts those documents as exhibits to the inquiry and authorises them for publication? There being no objection, it is so ordered.

Ms Beveridge—What I would love to see is a book five years on from that with the same adoptees, because one thing that is lacking is longitudinal studies on how adoptees cope. It would be an interesting piece of research but, to date, there is no funding.

Mr TICEHURST—When was the book written?

Ms Beveridge—It was published in 2000 but it took two years to publish.

CHAIR—Thank you very much for your testimony today. I think we have had an insight that is very important in drawing together all the threads of this inquiry. Thank you for coming as very fine Australians.

[10.16 am]

BRISSON, Mrs Ricky, Executive Officer, Australian Families for Children

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

Mrs Brisson—I am an adoptive parent and I am the national coordinator of the Australian Intercountry Adoption Network.

Witness was then sworn or affirmed—

CHAIR—We have received a submission from you and I think we have just received a supplementary submission.

Mrs Brisson—I have actually just prepared some notes to go with my discussion.

CHAIR—Is it the wish of the committee to accept the three documents that make up this supplementary submission? There being no objection, it is so ordered. Would you like to make an opening statement?

Mrs Brisson—First of all, I would like to take this opportunity to thank the committee for giving us all this opportunity to talk about our concerns and our joys of being adoptive parents and to raise the concerns of adoptees and so on. I think it has long been needed. It has been years and years before anything like this has happened. It is great to see the federal government take such interest in the concerns of the community. In my submission I have tried to address the terms of reference of the committee, which were mainly to do with the inconsistencies of state processes and the rights of adoptive families versus the rest of the community.

I am not going to repeat any of this information. What I would like to talk about today is more the process in the country. I have read in the documents on your web site on the hearings in other states that you have heard from a lot of adoptive families, so I am not going to repeat my own experience of adoption as an adoptive parent. I would rather talk about my experience as a volunteer adoption worker for the past 25 years; the difficulties that we have had for the last 25 years in dealing with governments at both the state and federal level and the anti-adoption culture, which you have heard about over the last few months; and ways of moving forward. At the moment we are not seeing much progress. What I am hoping for as a result of this inquiry is that we can move forward to a much better system than the one we have in New South Wales and in Australia at the moment.

My main concern with the way the system works at the moment is the fact that we have a two-level process—that is, federal and state. We have a central authority, the federal Attorney-General, who takes very little interest in what goes on in the whole process. Every time you write to the federal Attorney-General, you get a letter back saying, ‘Go back and discuss it with your state.’ There are hardly any staff working in that office. In the last eight years since the Hague convention was ratified, they have had maybe four or five different staff members. There

is no permanent office that you can liaise with. At the state level you have eight different welfare departments, each with its own rules, regulations, laws and policies. Some are consistent with others and some are not. Although the state welfare departments meet regularly and discuss issues, the flow-on effect is hardly seen in any way. There is very little consultation with non-government agencies. There is no funding whatsoever for non-government agencies such as ours.

When we started the process there would have been at least 20 or 30 agencies working in intercountry adoption supporting families, both pre and post. Today there are hardly any, because they are all falling apart or they just cannot afford to continue to provide the same services that they have been providing. We as an organisation would really like to see the federal government having more involvement in the process and taking it back from the states. We know the states are doing the level of work that they can do, but they are certainly not doing justice to the program. All the states, no matter which state you are in, always claim that they have limited resources and that their primary responsibility is to children in their own states. Intercountry adoption is always the last item on their agenda. So, no matter which state you are in, it is always at the bottom of the list.

I have just tabled statistics for you. These are statistics that we have compiled over the last month. I thought they might be of interest to you. They demonstrate the difference between the number of children coming to Australia and the number going to other countries. The statistics are very clear in showing the differences between countries. My question is: why do only 450 children come to Australia when 21,000 children go to US? It is not about a lack of children. It is not about a lack of applicants. We know there are 800 people waiting in Queensland alone, trying to apply to adopt. There are probably just as many in other states. But they are either not let into the system or the system is bogged down. It is slow and there are not as many seminars as there should be. It is very clear—you do not have to be a genius to put two and two together.

I have just done a quick comparison of a number of countries. Just looking at China, there were probably about 100 children who came to Australia last year. There are no accurate statistics as yet because they have not been published. There were 7,044 who went to the US, 497 who went to Sweden and 308 who went to Norway. Why is our system so slow, so bogged down and so difficult to go through? DOCS claims that, as has been mentioned, it takes them 12 months to process an application. As you heard from a witness, they have been three years in the system and they are still waiting.

CHAIR—You make a statement at the end of your supplementary submission:

BOLIVIA—prime example of bureaucracy at work!!

What do you mean by that?

Mrs Brisson—This relates to the question about establishing programs. As a bit of background history: programs over the years have normally, primarily, been established by NGOs. NGOs would have a direct contact with an orphanage or with an agency overseas or personal contacts. They would liaise with that agency and, if all worked well, all was agreed to and the state welfare departments were in agreement, the program would be established. This all worked fine, and most of the programs that are operating today were opened in that way. In 1994

the states, following the formalisation of the Hague convention in 1993, jointly decided not to expand the program any further until Australia ratified the Hague convention. At the time, it was expected that Australia would ratify it within a year, but it took until 1998 for it to do so.

From 1994 to 1998 hardly any work was done on establishing programs with new countries. If you look at the States, you can see that there are lots of other countries they are adopting from which Australians are not allowed to or able to. In 1998 when Australia ratified the convention it made a decision that no more programs would be opened with non-convention countries, so no non-convention countries are being considered today. The only country that was considered at the time was China, and that was only through a push by Brian Harradine to get the program approved and a lot of lobbying by a lot of family and support groups that were trying to get the program up and running. It took six years to get the China program approved and operational.

That brings me to Bolivia. Bolivia was a program that Australian Families for Children established 25 years ago. We negotiated the program and we liaised with the orphanages directly. It was approved that we would run the program through DOCS at the time. We maintained the program for 23 years. When Bolivia ratified the convention we were told as an organisation that we were no longer able to do it because we were not an accredited body, notwithstanding the fact that in New South Wales until 1 July of this year we were not even able to apply to become an accredited body.

So the program has been shut for three years while DOCS has tried to renegotiate agreements with Bolivia. A large number of families are waiting to apply. At least one family's file has been sitting there for four years waiting for Australia to finalise any arrangements so it can go through the process. The fact that we were not able to seek accreditation basically stopped the program. I have also included in the submission the chronological order of events in terms of accreditations of NGOs, just to highlight the difficulties we have had in that respect since 1981. Bolivia was a program that, as I said, we established as an organisation. Every child from Bolivia today came through with the help of our organisation, and it is not working anymore.

There is no protocol in place for establishing new programs, to say who is in charge or who makes the decision; there is nothing. We asked DOCS in New South Wales over a year ago to request that the federal Attorney-General document something. We were told that it should come to us in October or December of last year. We are still waiting. The person who was supposed to draft it is now working at the Hague. There is no documentation whatsoever. There are no protocols or processes in place.

CHAIR—When you talk about documentation, you are talking about a formal agreement being negotiated between Australia and Bolivia.

Mrs Brisson—There is no protocol in place to state how Australia enters into an agreement with any other country. There is no documentation stating who is responsible, who funds it, what process needs to be followed, who can recommend what or who makes the final decision.

CHAIR—Who would make those protocols?

Mrs Brisson—The federal Attorney-General. He is the central authority.

CHAIR—That is what I am saying—the agreement as I understand it, now that we have ratified the Hague convention, would be that Australia would negotiate with a foreign country, as we did with China.

Mrs Brisson—But who? Who does the negotiation?

CHAIR—The government does.

Mrs Brisson—What information do they need? What needs to be put in place? It has been three years since Bolivia ratified and Australia ratified, and we are still waiting.

CHAIR—What has happened under the MOU, as I understand it, is that New South Wales has been made the so-called lead state—which I find a bit odd, but never mind—in the negotiations with Bolivia and Colombia. The Department of Community Services went to Bolivia in 2004 to recommence the program and in February 2004 they went to Colombia. They were there in 1987, but that was pre ratification. When they say that there is a lead state, I find it difficult to think that we have states negotiating an agreement on behalf of the Commonwealth. We cannot. It has to be a government-to-government agreement. What is the New South Wales government supposed to do in negotiating these alleged agreements, and are they doing preliminary actions on behalf of the Attorney-General?

Mrs Brisson—I do not know anything about the MOU, so I do not know the content of it; we are not party to that sort of information. What I understand is that each state has been delegated a country to be in charge of. New South Wales is in charge of Korea and Queensland is in charge of Ethiopia and so on. Most of the kids that have arrived from Bolivia have come to New South Wales and most of the applicants are from New South Wales. We have been lobbying for it to be reopened and for us to manage it again.

CHAIR—The question of whether or not NGOs will be part of a situation is a different question.

Mrs Brisson—Yes.

CHAIR—I am just trying to establish where the negotiations with Bolivia and Colombia, for want of an example, are up to. We heard that Tasmania, which was in charge of negotiations with South Africa, have simply put it on hold and they are not doing it.

Mrs Brisson—The advice we received from DOCS is that they appointed a representative in Bolivia about 18 months or two years ago, following their visit there. They are still negotiating agreements. Unfortunately, the legislation is such in Bolivia that it does not provide for agreements to be entered into on a government-to-government basis. The legislation in Bolivia provides for agreements to be entered into on a government-to-NGO basis. Because DOCS are not an NGO there have been some issues about finalising that agreement. I am not sure what the latest is as of this week. We know that they are still waiting for it to be finalised.

CHAIR—I find that a bit odd. I find it very strange that a government would legislate that it could not negotiate with another government; that it could only negotiate with something that had no standing.

Mrs Brisson—That is what is embedded in the Bolivian legislation. It does not exclude government. It basically says that the central authority of another country needs to appoint an accredited body or licensed agency or body to—

CHAIR—Our laws say that the government or central authority may accredit NGOs—not ‘must’. I would find it very strange if the Bolivian government were different.

Mrs Brisson—It is very clearly stated in the legislation.

CHAIR—I might try to have a look.

Mrs Brisson—I am more than happy to send a copy of the Bolivian legislation with its translation.

CHAIR—Thank you. That would be helpful.

Ms GEORGE—You make the comment in your supplementary submission, in the list of concerns arising from the absence of NGO involvement, in point (6) ‘perception that NGOs are purely self-interest organisations with no concern for the welfare of children’. That is a pretty damning statement to make. Could you expand on your reasons for feeling that way?

Mrs Brisson—Yes. In the same way that there has always been a culture anti adoption, there has always been a culture anti parent support groups, which is what NGOs are being described as. As such, it was always felt that parent support groups worked for themselves, only to find children for themselves and go through the process quicker. As I said from the beginning, I have been in intercountry adoption for 25 years. I am a volunteer worker. I do not need to do this. I adopted my kids 22 and 24 years ago. I have always found this idea offensive. Because of that, we have lobbied hard and strong over the years to try to get some recognition. There is no recognition for any NGO in Australia that is working in intercountry adoption. We cannot get a certificate; we cannot get a licence. There is nothing. There is no funding; there is nothing. It has always been perceived that we only look after ourselves because we want children. That is common knowledge.

Ms GEORGE—What is happening with the accreditation process in New South Wales arising from the changed legislative environment?

Mrs Brisson—From 1998, when the convention was ratified, until December of last year we had been working towards preparing for accreditation. There was a list of proposed requirements and functions that bodies could be accredited for. We were intending to apply for the post-approval functions. There are two distinct processes in place. There is an approval process which is done by DOCS at the moment, and we normally work with families after they have been approved by DOCS, which we still do. We were intending to apply to become accredited to continue to do that sort of work and slowly build up the expertise to do the assessments and supervision and so on. In December 2004, we were informed by DOCS and the Office of the Children’s Guardian, who is now the accrediting body in New South Wales, that the functions have been revised and any body that is seeking accreditation will basically need to do exactly what DOCS is doing, and that includes the assessment, approval and so on. So three specific functions that were identified that any accredited body will need to perform.

Ms GEORGE—Has any NGO been accredited in New South Wales?

Mrs Brisson—No, because the legislation only came through on 1 July. The change of the functions that could be accredited for means an enormous change in the need for resources and funding. DOCS has made it very clear that it is not going to fund any intercountry adoption service providers. Basically, as a voluntary NGO, as of 1 July we are able to apply for accreditation but we estimate that we will probably need about \$500,000 over the next three years to comply with the requirements and put all the processes in place. We have written to the federal government seeking support, which was knocked back, and DOCS is saying that they are not going to support any. It is my understanding that New South Wales agencies are funded to up to 50 per cent of their budget, agencies in Victoria are fully funded and so on. So local agencies are funded, but the advice that we have been given is that intercountry agencies will not be funded and will have to be self-sufficient and demonstrate financial viability before they can even lodge an application.

Mr TICEHURST—Why do you think the adoption rate in Australia is so low?

Mrs Brisson—It is because of the processes in place. The whole system just does not work. You have eight welfare departments who claim that their prime responsibility is for children in their own state. I have no qualms about that and I have no problem with them looking after kids in their own state. The news this week certainly demonstrates that there is a great need for that, which is why we feel that there is a need for a different body to look after the process. There is a lack of staff, lack of resources, lack of expertise and lack of will. The list is enormous.

Mr TICEHURST—Is the lack of will the prime issue?

Mrs Brisson—Probably the lack of will is one of the prime issues. Look at other countries—everybody always bashes the US, so I will not even talk about the US. But if you look at Norway and Sweden, which are a quarter of the size of Australia but adopt two and three times as many children, the processes in those countries are totally different. There is one central body in charge of intercountry adoption. It works directly with NGOs. The government looks after the assessment of families and the NGOs facilitate the negotiation and agreements with other countries. Entering into an agreement with another country does not need to be so onerous that we have to keep sending people to visit that country. Business does not normally get done in that way. It should not take three years to enter into an agreement. It should not have taken six years to enter into an agreement with China. It took three years to find out that the Victorian welfare department was talking to the wrong person in China, who was not authorised to finalise the agreement. We are talking about social workers dealing on an international level with matters that they are not experienced in dealing with.

Mr TICEHURST—So government departments really cannot run a business—I think that is probably what you are saying. Although it is not a business, it is a process—but it is very similar.

Mrs Brisson—It is a process, but it has to be run as a business. Otherwise it does not work properly.

Mr TICEHURST—I must agree with you. I have been involved in international business on the private side for many years, and I know where you are coming from there. You were saying that even in the Attorney-General's Department there is no one person that you can deal with.

Mrs Brisson—They keep changing every few months. Every few months there is another person. You write to them and you do not get any answers. As I mentioned in my submission, the Joint Standing Committee on Treaties made a number of recommendations in 1998. There were many public objections to the ratification of the convention. Only the Attorney-General's Department and the state welfare departments wanted it ratified, but the community was against the ratification. The standing committee on treaties made a number of recommendations. None of those that had anything to do with NGOs has been followed. It took two years for the government to respond. Even in their response nothing has been followed through, which is why I am hoping this inquiry can achieve more than the treaties committee has.

In the federal Attorney-General's office, there is one person who I think works part time in that particular role. They may do other things, but they are not there in a full-time capacity. They go to the meetings with the states and to the Hague meetings. We had to approach them recently because there is a Hague special commission meeting taking place this week about accreditation. One of the days was allocated and dedicated to the accreditation of NGOs and how it is all working. Australia was asked to respond and so were all the other countries. It is all on the Hague web site. As representatives of NGOs and on behalf of the Australian Intercountry Adoption Network, we have sent a request for an Australian NGO representative to participate. The Hague responded to us that that would have to come from the federal Attorney-General's Department, as it is the central authority. We put the request to the department and it has not even bothered answering.

Mr TICEHURST—So you do not know whether the representative went or not?

Mrs Brisson—No, we know they did not. She is sitting there—she is actually on holidays in Holland, waiting to hear and she has not been advised. They have not even bothered responding. Whenever we write to the federal Attorney-General's office or the representative we get a letter back saying, 'Go back to your state; it's a state matter.'

Mr TICEHURST—We have that issue a lot—duckshoving between state and federal. Maybe you need a very dogged local member to chase them up.

Mrs Brisson—But they also change. This is the problem, that there is such a lack of continuity.

CHAIR—They have not changed much during the last decade. That is why we are here.

Mrs Brisson—Have they changed portfolios?

CHAIR—No, Mr Ticehurst is talking about local members.

Ms GEORGE—You made the point in your submission about the differences in rights and entitlements at work and in government support for biological and adoptive parents. Would you expand a bit on that?

Mrs Brisson—Yes. I have put together a table because I found it the easiest way of—

Ms GEORGE—What do you think we should or could do?

Mrs Brisson—I think adoptive families are basically being discriminated against because they are not having biological children. So they do not get any medical benefits and they do not get any support. They end up with massive fees. I am not sure whether you are aware of it but, in New South Wales, the fee last year went up to \$9,700 for the first application. That is on top of all the other fees. Each adoption ends up costing anywhere from \$25,000 to \$40,000 by the time the family is able to complete the process.

I would like to see some federal subsidies or tax deductibility. There used to be some. When we adopted our children there was a tax deduction available for both local and intercountry adoptive families—it did not differentiate. We were able to benefit from that. Although it was not much, it was better than nothing. So there certainly is a need for that. We need massive funding injected into support services for adoptive families. There is no funding whatsoever. I went through the DOCS web site and read their annual report for the last year. Every second funding grant that they provided was for family support services.

There is nothing like that for any intercountry adoptive families. We run our own support networks; we have to fund our own support networks. We run our own functions, activities and network services. We put our own newsletter together. If it were not for corporate sponsorship and donations from the public, we would not exist. As the other adoptees group mentioned, we are now getting requests from adoptees to help them with searches and so on. They cannot afford the cost and we cannot afford to do it for nothing, so they are not getting that service. Yes, we can put all the processes in place, but there is always a cost involved with everything. Very few people want to work for nothing. So as far as the federal government is concerned, please take it on for us and fund it appropriately. There also needs to be a proper set-up in the A-G's department that is dedicated to looking after the community's and the children's interests.

CHAIR—Thank you very much for coming along this morning and going through that material. It is very useful for our inquiry, for which we thank you very much.

Mrs Brisson—Thank you for the opportunity.

CHAIR—Thank you. How old are your kids?

Mrs Brisson—They are 22 and 24. This week we are running, in conjunction with a few other volunteers, a camp for adoptive families and adoptive children. I wish Analee and Chris had had the same opportunity when they were growing up. We have a program for adult adoptees who are mentoring the younger adoptees, and they are running all the activities for the camp.

CHAIR—That is good. Where did your children come from?

Mrs Brisson—My eldest is from Colombia and my youngest is from Bolivia. He was the second Bolivian child to arrive in Australia, and he keeps asking, 'Why aren't there any more?'

CHAIR—He feels he would like to meet a few here. Thank you very much.

Proceedings suspended from 10.49 am to 11.17 am

GRIBBLE, Mrs Karleen, Policy Officer, Families with Children from China—Australia

Witness was then sworn or affirmed—

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

Mrs Gribble—I am a parent to a son born to me and a daughter adopted from China. I am here representing the parents' support group Families with Children from China—Australia. FCC Australia is a support group for Australian families who have adopted from the People's Republic of China, Hong Kong or Taiwan. It is a fairly new organisation, being formed in the last 18 months or so, but we have a membership of over 230 families from all over Australia, as well as some expat members. On behalf of FCC Australia I would like to thank the committee for inviting us to be represented at this hearing. FCC made a fairly comprehensive submission to the inquiry. However, in my introductory statement I would like to emphasise what we feel are the three most important changes necessary in the way adoptive families are treated in Australia.

Firstly, there needs to be consultation with adoptive families before the introduction of legislation or policy that affects them. Just in the last six months, since FCC's submission was made to the committee, two changes have been made to the detriment of expat adoptive families. Namely, families of newly adopted children who seek to gain Australian passports for their children are being asked to sign a piece of paper that essentially denies their parental relationship. Many parents are unwilling to do this.

Secondly, expat Australians are now required to obtain a residency visa for their child prior to obtaining citizenship, a completely unnecessary procedure but an expensive one that provides no additional checks. It is difficult to see it as anything other than a revenue raising activity. Such visas are generally never used, because the child does not enter Australia until after citizenship is obtained.

These are just two examples that underscore the need for consultation. The issue is not so much that it is a deliberate attempt to make things more difficult but that those constructing legislation and policy are not aware of the issues as they affect adoptive families. That is why consultation is really important. Should there be any formal way of consulting, FCC Australia would be more than happy to provide consultation, along with other peak adoption bodies.

The second issue is that there needs to be adequate resourcing of adoption processing. Many of the problems you will have been made aware of in submissions are due to inadequate resourcing of adoption processing. This includes the large differences between states and territories in the number of adoptions per capita that you see, with jurisdictions with larger populations performing poorly compared with smaller jurisdictions. This difference is essentially because each jurisdiction provides only a minimum service.

I know that you asked the federal Attorney-General for information on why New South Wales performed particularly poorly in terms of the number of adoptions per capita, particularly in comparison with Victoria, where you might assume that the population is relatively analogous to

the New South Wales population. I think that this is the issue here: it is about providing a minimum service and so only a certain number of adoptions are processed.

The issue of resourcing also results in the large fees that applicants must pay in some states. They are a huge burden on adoptive families, placing some under enormous amounts of stress. It is a form of racism, and it is not in the best interests of the children in need of adoption placement. The issue of resourcing will remain wherever adoption processing is contained within departments that deal in child protection and where it is competing with this area for funding. Under the law, adoption is the equivalent of birth as a method of family formation and should be similarly supported and subsidised by government.

The third issue is that intercountry adoption is, by nature, a process that involves the governments of two countries. Under the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, the federal Attorney-General's Department is the central adoption authority responsible for intercountry adoption in Australia. However, currently the Attorney-General's Department plays merely a figurehead role and is minimally involved in the actual overseeing of intercountry adoption. It is clear that the federal government needs to take a greater role than this.

There should be national consultation to ensure that states apply matching and non-discriminatory policies in relation to adoptions so that families are not forced into jurisdiction shopping. Many people have had to abandon normal lives and family support to move interstate. They are the tough ones. Many potentially great parents are excluded because they cannot face the additional heartbreak of uprooting or fighting bureaucracy or paying the fees. The federal government needs to be more involved in the negotiation of agreements, because the state government departments have demonstrated that they do not have expertise in this area. Federal departments are used to dealing with overseas countries and the types of negotiations that are required to set up adoption agreements.

The federal government also needs to take a greater overseeing role. This may perhaps provide an avenue of appeal for when state departments may not be acting in the best interests of the child in terms of policy. Currently, changes can be made that are to the detriment of the children—for example, the tripling of the fees in New South Wales that happened last year—and there is no avenue for appeal. New South Wales did not need to demonstrate that increasing the fees was in the best interests of the children before they did it. It is the responsibility of the Attorney-General's Department to oversee what happens in each state to make sure that they are acting in the best interests of the children. Thank you.

CHAIR—Thank you very much, and thank you for your detailed submission as well. One part of your submission deals with free speech in relation to adoption. That is an issue that has concerned the committee since we first became aware of it. Whereas some jurisdictions forbid any publication of details of the child until the adoption orders are made, in South Australia the law says that you may never speak about or publicise your own child's adoption history. That seems to me to be rooted in the Dark Ages. I wonder if you would like to elaborate a bit on how this was made public. In your submission you said that when they got rid of the NGO which was handling adoptions they made this statement that you may never speak about the children. Would you like to elaborate on that whole area?

Mrs Gribble—There was public consultation in South Australia—I am not exactly sure when it started; it was last year at some time—about their services and how things were proceeding, because they had outsourced much of the adoption process to a private agency. It was the only jurisdiction in Australia to do so. When the report came out it highlighted some problems but recommended that the agency keep the contract and continue to process applicants in the way that they were doing it. However, the government decided that they no longer wished to outsource any of their services to a private agency, and they announced within a fairly short period of time—six weeks or so—that the agency would no longer have the contract.

Many families were quite upset about that. South Australia's system moved fairly smoothly. The staff had a fairly good relationship with adoption applicants and they had set up pretty good post adoption support, including the involvement of ICASN. Families wanted to say that they were unhappy about the closing of the agency. However, they were sent letters saying that if they spoke and identified themselves they could be in breach of the law and that there could be a fairly hefty penalty for that. So, while the minister was able to give interviews on talkback radio, individuals were not able to be put to air because they may have identified themselves and so identified their children.

CHAIR—That is disgraceful.

Mrs Gribble—It was fairly dirty.

CHAIR—What was the name of the minister?

Mrs Gribble—I am sorry, I cannot remember. It is in the submission.

CHAIR—The minister should be singled out and made note of.

Mrs Gribble—It was clearly political in nature. They did not wish for people to speak out and so they told them that they could not.

CHAIR—What was behind all of that? It was obviously very deliberate.

Mrs Gribble—They wanted to shut the agency.

CHAIR—Did they want to limit the number of adoptions?

Mrs Gribble—I do not know. There could perhaps have been a philosophical reason for that decision by the minister, or by somebody in the department, who did not wish for there to be outsourcing of the services. It is fair enough for people to have different opinions on how things should be but that was a fairly underhanded way of stifling comment.

CHAIR—It stopped debate.

Mrs Gribble—Yes.

Mr TICEHURST—In relation to this issue of the passports, what was the change to the policy?

Mrs Gribble—Whoever drafted the new legislation with respect to obtaining passports assumed that an adopted child would have an amended birth certificate that would have the adoptive parents named as the parents of the child. That is the case for adoptions that are completed in Australia. Oftentimes children, for example from Korea, come to Australia under the guardianship of the minister for community services and then a local adoption is processed through the courts in New South Wales and an amended birth certificate is issued with the child's adoptive parents listed as being the parents of the child.

It does not happen with countries where the Hague convention has been ratified and it also does not happen with China. In those cases the children do not generally obtain an amended birth certificate, although in the Northern Territory and Tasmania I believe that amended birth certificates can be obtained if the parents wish to do so. But certainly, in most instances, those families have the child's original birth certificate and it does not name them as parents. So when they go to apply for a passport, because they are not named on the birth certificate, they are being asked to sign a piece of paper saying that the consent of the child's parents could not be obtained. Some parents are not happy to do that. Some parents are happy to do it in order to get the passport, other parents say, 'No, this is incorrect. My child has two sets of parents. I have proof here that I have legal responsibility for the child and so that should be sufficient.'

Mr TICEHURST—You would think so.

Mrs Gribble—It has only arisen during the last couple of months or so.

Mr TICEHURST—How do you think the government should make sure we have consultation before changes are made?

Mrs Gribble—I do not know. That is outside my area of expertise. But there are certainly organisations that are prepared to provide information if it is requested of them. A number of years ago there was an inquiry into citizenship and they received no submissions on obtaining citizenship via adoption. The reason they obtained no submissions was that nobody was told about it and so they then were making recommendations based on ignorance.

Mr TICEHURST—I guess it can be difficult for legislators to know who is involved and who has expertise.

Mrs Gribble—That is right. We probably need a federal adoption body.

CHAIR—It was put to us that it was brought in by the government because it would assist in preventing paedophilic activity. To my way of thinking, you do not put the onus on making a visa application for the child, you make sure you have a good look at the parents who are adopting in the country where the child is to be adopted from. To me the visa issue did not safeguard children in any way, shape or form. I thought it was a crazy thing to do and I said so.

Mrs Gribble—We have expat members who have been in that situation, and they required less documentation for obtaining the visa. It was a one-day process. They went in, applied for the visa and got it. There were no additional checks required. It was just a \$1,500 cost to them for a visa which the child will never use. It is just another example. Expats overseas are having

difficulty in communicating again with the Attorney-General's Department and getting answers. The embassies are asking for information.

CHAIR—This did not come through the Attorney-General's Department; it came through the then minister for citizenship.

Mrs Gribble—I mean with the passport issue and that sort of thing. There are communications going from the embassy because it is a problem for the expats who have adopted. Apparently, they are having difficulty getting information from the Attorney-General's Department.

CHAIR—We have now found a satisfactory solution with respect to China because the ACT will be the lead jurisdiction on China where expat adoptions are concerned.

Mr TICEHURST—Have you inquired as to why the fees in New South Wales tripled in the last year?

Mrs Gribble—It was moving towards cost recovery. There was a report that looked at the costs of processing intercountry adoption. It did not look at the costs of processing local adoptions, so they were unable to say how much local adoptions cost to process. From memory, the cost was more like \$11,000. They have said, 'Okay, \$11,000 would be cost recovery, we'll give you a little bit of a discount and make it \$9,700.'

Mr TICEHURST—Their processes are such that they are dealing with fewer children so that in Victoria their costs are always going to be a lot higher.

Mrs Gribble—And one would wonder whether cost recovery was reasonable. I think if biological parents were required to pay even \$500 to cover part of the costs associated with prenatal care, childbirth and postnatal care, they would be most upset about it. Ten thousand dollars is a lot of money.

Mr TICEHURST—It is a lot of money.

Mrs Gribble—I think that people who are adopting for the first time and who do not have other children will often have a double income and they are able to come up with the costs of paying for the first adoption. It is when it comes to the second adoption that things are particularly difficult. The needs of their first child may mean that they need a primary caregiver at home with them full-time. To come up with an extra \$20,000 or \$30,000 is a big ask.

Mr TICEHURST—It seems incredible. In fact, one earlier witness said that the costs were the order of \$25,000 to \$40,000 to adopt. It just seems ridiculous.

CHAIR—Most of that money is in airfares.

Mrs Gribble—Most of it is in overseas costs.

CHAIR—And if they make a payment to the overseas agency as well.

Mrs Gribble—I must admit that we are in the process of trying to save for our next adoption. We have just about got enough money in there to pay for the Australian fees now. It has taken some time for us to get to that level. Then there is additional money on top of that.

Ms GEORGE—It is also the double burden, isn't it—it is not just the costs, which are quite prohibitive for a lot of people who might exercise a desire to adopt, but also the discrimination in terms of entitlements that are provided at different levels of government.

Mrs Gribble—That is right—absolutely.

Ms GEORGE—We had a witness this morning saying that the culture in New South Wales is one that does not really believe in or support intercountry adoption. Do you think this could be an explanation for the relatively low rate of intercountry adoption in this state in comparison to others or is it the cost factor—or a combination?

Mrs Gribble—I think it is mainly to do with the minimum service provision. The staffing is limited and I think that, to a large degree, that is what has limited the number of adoptions. As Jo said this morning, it is not necessarily that individual staff are problematic, although I must say that in recent years things have improved quite a lot. Previous managers of adoptions were extremely hostile, and that is no longer the case. But, when you have the sort of pressure that came from Treasury to increase the fees and turn to cost recovery, that is the sort of problem that we have. There is not the will to provide the service. The state government does not see that they have responsibility for children who are overseas. Indeed, they do not. I guess in that respect their responsibility is to the adults—the adoption applicants—in the state who are wanting to adopt a child.

Ms GEORGE—If you were sitting on this side of the table and you were helping to construct the report and its recommendations, what would you say would be the three priority issues that you have identified?

Mrs Gribble—As I outlined, certainly adequate resourcing of adoption is extremely important. I think I made a personal submission at one stage suggesting, because I know that the states are not going to allow adoption to move into the federal arena totally—although New South Wales seemed fairly happy for it to happen—that perhaps funding could come from the federal government because funding is the real issue. To run the New South Wales department for a year—and I am working from memory again here—is about \$1 million as it currently stands.

CHAIR—I think we have to stop saying that, when state governments fail, the federal government has to take over funding what they do. New South Wales has been awash with money. The Carr government has had twice as much money with the GST as John Fahey had when he lost office in 1996. So where has the money gone? That is the better question. It is not good enough to say that they can be off the hook for being incompetent. Personally, I think that, when they put the fees up to \$10,000, they were sending out a signal—they do not want you to adopt from overseas in New South Wales.

Mrs Gribble—No, they do not.

CHAIR—It is a price signal. That is the way you send messages—with price signals.

Mrs Gribble—I know. I am waiting for somebody to make a complaint to the Human Rights and Equal Opportunity Commission because it is racial discrimination. It does not apply to local adoptions. Local adoptions have been kept under \$3,000.

CHAIR—Is that right?

Mrs Gribble—Yes. In my submission there is a table of local and intercountry adoption costs in each state. In many states, local adoptions are free to process. In New South Wales it is not free, but there is a large difference.

CHAIR—The costs are obviously different; I can see that there are differences.

Mrs Gribble—If anything, local adoptions would be more expensive.

CHAIR—I do not know about that. But they left that and they did not increase the cost.

Mrs Gribble—They did not ask the question. There are very few local adoptions processed in New South Wales, which is a good thing.

CHAIR—There are very few processed in Australia, and that is because we have a whole policy that is anti adoption and pro fostering. Less than 100 Australian children are adopted a year, but thousands of children are fostered. Finally, we are starting to see some sense prevail and people looking at the importance of giving children a permanent and loving home, not just a place to live.

Mrs Gribble—I agree. It is a good thing, though, in general. I guess the heyday of adoption in the early seventies was due to infant adoption of children who did not need to be placed for adoption. Adoptive families in general think that it is extremely important that children who do not need placement for adoption are not placed for adoption.

CHAIR—That is different from saying that we are anti adoption and pro fostering.

Mrs Gribble—That is right, but it is a complex issue. That is perhaps part of the problem as well. It is not possible to say that all intercountry adoption is good, because it is not. It can be exploitative and it can be a bad thing—it can be a dreadful thing. We need to make sure that we run it properly so that it is a good thing.

CHAIR—Absolutely. But the question I was asking you was: when they put up the fees for overseas adoption, they did not increase the fees for local adoption?

Mrs Gribble—No.

CHAIR—So it certainly was a price signal.

Mrs Gribble—Yes.

CHAIR—Could you perhaps give me a little more information on postadoption issues that you are involved in as an organisation?

Mrs Gribble—As I said, FCC is a fairly new organisation, but we certainly have postadoption support in linking families with other families. FCC also runs an email list which has members from all over Australia. The advent of the internet has been really helpful, both for adoptive parents and for adoptees as they grow. I live on the Central Coast—I am not in Sydney—so I am a little more isolated. It is via the internet that I have been able to connect with people like Analee and other members of ICASN and ask for their advice and input on different things. The main thing is providing the support of somebody else who has been there, who is perhaps a little bit further ahead than you on their parenting journey. I know that I certainly needed the support of some other mothers when our daughter was placed with us.

CHAIR—Before you thought about having an overseas adoption, did you think about adopting in Australia?

Mrs Gribble—That was not an option for us because we were primarily preferential adopters. We were choosing to adopt from China because we knew that there were children there who were living in orphanages and needed a family, rather than it being about a history of infertility.

CHAIR—So you could have had children?

Mrs Gribble—I have had one, yes. I have my son and my daughter.

CHAIR—So you made that decision to adopt from overseas?

Mrs Gribble—Yes.

CHAIR—You did not consider fostering here?

Mrs Gribble—Perhaps we will foster in the future. The most difficult thing with fostering—and perhaps going through the adoption process too—would be not having autonomy. Going through the process you come across a lot of social workers, some of whom are good and some of whom are not good, and you fear for what things would be like if you had somebody else making choices for you and the child you love. You have no control over it.

CHAIR—That would be an abnormal existence.

Mrs Gribble—It would be difficult but it is certainly something we will look at doing in the future.

CHAIR—In one of the pieces of evidence given to us in Tasmania last week, it was said that when you adopt from overseas there is only one set of parents.

Mrs Gribble—I do not think that is an issue for most people. Perhaps it is an issue for some; certainly it may be an issue for some to start with. Through the process you change how you look at things, because you learn more and see things from a different perspective.

CHAIR—I asked somebody else the same question I have asked you about fostering. Her answer was that her local GP knew her well enough to say that, once she formed a love attachment with the child, she would not be able to surrender it.

Mrs Gribble—It is certainly very difficult. I think that foster parents do not get as much support as they need. Sometimes the issues for foster parents and for families who have adopted a child after long-term institutionalisation, abuse or trauma are fairly similar, and it can be very challenging. Families do need support and education, and I do not know that it is necessarily there unless you are able to seek it out; you have to be fairly proactive.

CHAIR—There were also some fairly horrendous stories about the policy that says that access by the biological parent is always supreme. That brings about some terrible outcomes.

Mrs Gribble—Yes, the research is really conflicting. It is a very difficult area.

CHAIR—Yes. I want to talk about when your daughter was placed with you. One of our committee members went to China during the last break—about three weeks ago—and went to the agency where the children who come to Australia to be adopted come from. He was impressed with the people who were running it. The statistics are just staggering: 100,000 baby girls are abandoned every year and only 10,000 are adopted.

Mrs Gribble—Most of the children who remain in the social welfare institutes and children's homes in China have a disability of some sort. I mention in my submissions that one of the barriers to families adopting the children is concern over the health requirements of the visa. Even though a waiver can be applied, there is concern over whether it will be applied. Certainly the departments dissuade people who wish to adopt a child with special needs. I have been there and seen the children in a number of institutions. Having a disability does not remove any of their childlikeness or their desirability. They can receive good treatment here in Australia and live in a society where disability does not mean—

CHAIR—Ostracism.

Mrs Gribble—Yes. If you have a disability, Australia is a good place to live. It is my passion.

Mr TICEHURST—You mentioned that some overseas adoptions can be bad experiences. What can you tell us about that, and what should the government do to avoid that?

Mrs Gribble—In terms of being exploitative?

Mr TICEHURST—Yes.

Mrs Gribble—The issue comes down to whether a child does need placement for adoption and placement overseas. The first principle of the Hague convention is that children should, first of all, stay with their families. If that is not possible, they should be adopted locally within their country of origin. Rather than institutional care, intercountry adoption is a third, last resort. If there are instances—and there certainly have been, not in Australia, I believe, but in the United States—where you have profit driven agencies that have been seeking to provide what is almost a product for market driven forces—young, healthy babies—those children should not be placed

if they can stay with their birth families. If they can stay in their country of origin, then that is what should happen. If anything else happens, then it is not a good outcome, it is a bad thing, regardless of how happy it might make the people who adopt the child. It is unethical and should not be tolerated. I think that is where it is extremely important to make sure—

CHAIR—You have not told us anything about Australia. We are not responsible for other countries' policies—

Mrs Gribble—I know.

CHAIR—We are responsible for ours. You did make that statement, so have you got an example here?

Mrs Gribble—No. What I am saying is that that is why we need to make sure that that is how things stay. We have got to be very careful.

CHAIR—I am a bit confused. You did say, and I got the message, that you knew of adoptions here in Australia that had bad outcomes. You are not saying that?

Mrs Gribble—No, I was saying that intercountry adoption can be a bad thing. It is possible for it to be a bad thing. It is not a universal good.

CHAIR—I am glad we clarified that, because I thought you were saying it was bad here.

Mrs Gribble—No.

CHAIR—So it is always good here?

Mrs Gribble—I guess, as far as I know. When people talk about an anti-adoption attitude, I think that those attitudes come out of a concern for making sure that things happen in the right way.

Ms GEORGE—Would the majority of children who are adopted by Australians not be children who have been institutionalised?

Mrs Gribble—A lot of them are.

Ms GEORGE—Is there any doubt about that?

Mrs Gribble—No. That is right. That is why Australia has been careful with how it has set things up. When you read the newspapers and the tabloid magazines, you will read about what happens when perhaps things are not so tightly controlled.

Ms GEORGE—That can happen in biological families as well.

Mrs Gribble—But I mean children being adopted via intercountry adoption where it should not have been.

CHAIR—We can only talk about Australia here. That is what we are talking about.

Mrs Gribble—I was just answering the question. The point I am making is that that is where people's concerns come from when they talk about anti-adoption. That is the root of it.

CHAIR—I do not think so. When they talk about anti-adoption policy, they mean that there is a permeating culture that is anti-adoption per se and pro-fostering. That comes up all over the country, again and again. It seems to be borne out by the figures. So I think that is a different aspect that you are talking about there.

Mrs Gribble—Perhaps the history of the stolen generation is part of it as well.

CHAIR—We have had some heart-wrenching letters that came from people who were mothers in the fifties and sixties when there were the most appalling policies in the way those young women were treated. They were treated as bad people who had to be punished. Fortunately, all of that has gone. I think the pendulum has swung far too far.

Mrs Gribble—I think you are right. That is also a part of it.

CHAIR—I think a lot of children have missed out on being able to be in a loving, permanent home because of that policy. That has got nothing to do with the individuals, although there is certainly evidence of individuals who were very strong advocates of the policy. That impacts upon people who want to adopt and it spills over into the overseas adoption area.

Mrs Gribble—I agree.

CHAIR—Thank you very much for being with us, and keep up your good work.

Mr TICEHURST—You are doing a great job.

Resolved (on motion by **Ms George**):

That the committee authorises for publication a supplementary submission from Ms Joanne Ellem.

[11.55 am]

CHAIR—It is now time for us to move to our community statements. This is for individuals who want to talk to the committee for three to five minutes. Either they can give their full name and why they have come or, if they wish, they can just give their first name and put forward what they would like to tell us. We do not swear the witnesses who take part in the community forum, but they are still bound by the provisions of the legislation, which require people to tell the truth, the whole truth and nothing but the truth.

Lily Arthur—I accept that, and I affirm that everything that I say will be the truth and nothing but the truth. My name is Lily Arthur. I am the coordinator of Origins Inc. Supporting People Separated by Adoption. I have some documents that I would like to table. I will give a brief description of our organisation. We support people separated by adoption. We are a national and international group. We were established 10 years ago by mothers who had lost children to adoption. I have been reading some of the submissions, and I would like to offer a rebuttal to some of the evidence given in Brisbane by Mrs Rita Carroll and Mrs Doral Law, who stated that eight women instigated the inquiry into adoption practices. That is not the truth.

CHAIR—I think you should just put your point of view, because they are not here to rebut what you are saying.

Lily Arthur—Our point of view is that the interpretation of how the inquiry was got was not factual. The group's membership of over 600 women at that time called for a parliamentary inquiry through the committee of origins. I would also like to mention their comments on funding. Origins has offices in Victoria, Brisbane and elsewhere in Queensland. We have received not one dollar of government funding. Our object as an organisation is to address the mental health issues of people separated from their families by adoption.

The parliamentary inquiry into adoption practices in New South Wales found that, from 1950 to 1998, 150,000 children were adopted here in New South Wales. The inquiry found that the routine practices at the time were unlawful and unethical. I have brought a copy of the report, which states, on the pages that are marked, that the usual practices were unlawful and unethical. Adoption practices in Australia were spread across every state in Australia. So that equates to all adoption practices here until 1988 were unlawful and unethical.

Our group was to focus on the legal aspects of past adoption practice and also the known mental health damage at the time that was inflicted upon mothers and their children, which to date still has not been addressed. I am trying to be conscious of the time and trying to get in as much as I can. A couple of months ago I gave evidence to the Senate mental health inquiry in Brisbane and made a submission on the known mental health damage to mothers by the forced separation of them and their children and the known damage to our children.

CHAIR—I think we all acknowledge that the practices that went on in that period were pretty horrendous and are fortunately gone.

Lily Arthur—They were the result of past unlawful practices. I would like to present to the committee that submission that was presented to the mental health inquiry with attachments and also some of the papers that we have on mental health on our web site. These are the papers from our two national conferences that we have had in the last two years into the mental health effects of adoption. Both of these conferences were instigated by our organisation, which did not receive any type of government funding. The only little bit of funding that we got for both conferences was from gambling institutions. That is all that has been put towards addressing these issues.

With regard to intercountry adoptees, we just heard three young people talk about the problems that they have encountered. There has been no help for people like them. We are the only organisation, to our knowledge, in this state that deals with the mental health issues of mothers and their children.

CHAIR—Perhaps the committee should accept the documents as exhibits.

Lily Arthur—I will just make quick reference to this. This is from the 1970s. It is the director's report to parliament from the Department of Children's Services. There is a number of inserts about intercountry adoption—this was from 1970 to 1980—where they categorically state that they did not want to entertain the idea of intercountry adoption because they believed that the motivation of adoptive parents was based purely on sentiment.

CHAIR—I think we have moved on since 1970, fortunately.

Lily Arthur—They also acknowledged at the time the trauma that was inflicted upon the child through loss of culture and separation.

CHAIR—There is no law that says a child should be destined and sentenced to poverty, either.

Lily Arthur—No. We are well aware of that. You were talking before about the anti-adoption culture. We, as an organisation, are seen as having an anti-adoption culture. I would just like to say for the record that Origins Inc. does not support a child not having a permanent and happy family. That is it.

CHAIR—What does that mean?

Lily Arthur—We support a child having a permanent and happy family. We are not saying that we oppose adoption.

CHAIR—So you would support the proposition that adoption is a legitimate way of forming and extending a family?

Lily Arthur—Yes. No-one could deny that. Because we are a group that is focused mainly on the human rights issue, we have to look at the human rights issues behind adoption. Not addressing adoption practices from the past is the reason that there is still a lot of dissent in this country about adoption. We have not addressed the issues of past illegal adoption in this country.

We have not done that. We have not addressed the issues of the rights of women in this country who lost their children to adoption.

CHAIR—What we are concerned with in this inquiry is to make sure that we go forward in a positive way and we get it right. We have had submissions from women who have lost their children in the most horrendous ways. One's heart just goes out to them. The practices then were just appalling. But, fortunately, they have ended. So now we are looking at the way in which children can benefit from being in permanent and good families. We are going to have to move on to the next statement.

Lily Arthur—It is like the stolen generation. Unless we come to some sort of reconciliation with at least 150,000 women in this country who have had human rights crimes and statutory crimes committed against them, we cannot fully accept that women in other countries where we cannot see what is going on are not going to have the same instances of human rights abuses committed—

CHAIR—When a young 14-year-old girl from Ethiopia says she is so grateful and loves being in Australia because, if she had stayed in Ethiopia, her life expectancy would be 39 and she could now have a full life, that is a pretty good testimony.

Lily Arthur—It is a good testimony, but we also need to be aware of the testimony of people who have not had any justice for the past adoption crimes that were committed in this country. We cannot move forward unless we fix the past.

CHAIR—That is not part of our inquiry, but thank you for coming today.

Lily Arthur—I think the committee needed to have an idea of some of the stand on not full acceptance of adoption here in Australia.

CHAIR—Thank you very much. Who is next?

Kylie—Our names are Kylie and Paul. We really welcome this inquiry, because we think it is long overdue. I will give you a little bit of background on our circumstances. We have been trying to have a family, biological and adoptive, for the last eight years now. We have been through the whole IVF roller-coaster process. We applied to DOCS 3½ years ago to adopt. We are still waiting on an allocation. It took 18 months from application just to get through the DOCS process to become approved—it is quite a lengthy process. We have been approved to adopt a sibling group of two children or a single child from Ethiopia. Our file has been over there for 13 months now.

You touched on the increase in fees here in New South Wales. The fact that the fees have increased shows that the government does not have a real commitment to intercountry adoption; I think it is trying to make it a real deterrent to parents. With the declining birthrate in Australia, the government should be encouraging all Australian families to have children, whether biologically or by adoption. Intercountry adoption is a very legitimate way of having a family. All of us in the intercountry adoption community are providing a loving family for children who need families. The children coming to Australia will be valued members of our society. They will pay taxes, just as biological children will. Some of the inconsistencies have been touched

on. For example, there are the costs in relation to intercountry adoption. As you know, New South Wales has the highest fees.

CHAIR—And the lowest per capita rate of adoption.

Kylie—Yes. Amazingly, though, according to DOCS the applications have not really dropped off. There are still a lot of families applying to adopt, even after that fee increase happened on 1 July last year. I think DOCS here in New South Wales do a fairly good job considering the number of applications. I think the main problem is that they are really underresourced. Intercountry adoption just does not seem like a priority to the government, unfortunately. We cannot have biological children. We did consider local adoption first, but we were told there were only about 20 children a year from New South Wales available for adoption, and a lot of people wait in that pool and never actually get to adopt. That is why we looked at intercountry adoption. Even though it is a long wait, eventually we will get there. It might take four years, though.

CHAIR—Has your file been sent to Ethiopia?

Kylie—Yes. It has been there for 13 months, so we are hoping for an allocation.

Paul—We feel we are getting very close.

CHAIR—Every time the phone rings, you jump out of your skin.

Kylie—We feel that the government should be supporting and encouraging adoptive parents. A lot of support is given to biological families, with prenatal and postnatal care. Also, IVF costs are subsidised. We know all about how expensive that is, and that is a big cost to the government.

CHAIR—I have to say, though, that last year 7,000 children were born by IVF, and they will more than pay for the subsidy in taxes in future years. So I think they are a pretty good investment.

Kylie—Yes, no doubt.

CHAIR—I am sorry it did not work for you.

Kylie—I guess there are a lot of people like us who go through that process—

CHAIR—Absolutely.

Kylie—and it does not work for them. But intercountry adoption does work—not very well. The process does not work very well but the end result is obviously there.

CHAIR—We hope very much that your phone call comes fairly soon.

Kylie—Thank you.

CHAIR—Thank you for coming and talking to us today.

Kylie—Thank you.

CHAIR—Who would like to be next?

Danielle—Thank you for allowing me to speak. I would like to talk about issues that are specifically relevant to single applicants. I am a single applicant for China. It has taken me over 4½ years, but in two months time I am going to be a mum. I would like to make the point that it is very difficult for single people to adopt children at the moment, and that is often to do with Australian state and federal policy and not necessarily overseas policy. It seems at odds with what is actually happening in our society, where the government is encouraging people to have children, there is sometimes difficulty in finding a partner who is committed to having children—I left a long-term partner because of that—and 40 per cent of families are led by a single parent.

I can certainly say that single people want to be parents as much as people in a partnership do. Currently in New South Wales China is the only program through which there is a fairly definite chance of you getting a child. A few years back they put in a quota limiting single applicants to eight per cent of the total. That is why the wait is so long. I do not really understand why Australian adoption agencies do not make more of an effort to get more agreements up and going with countries which do allow single people to adopt.

I would also like to make a point about the adoption of children with special needs. I was quite receptive to adopting a child with minor physical special needs that were compatible with Australian immigration requirements. But I can say up front that I did not feel very supported in doing that. It seemed the bureaucracy around that was extremely complicated. That, together with the fact of being a single applicant, in a sense made me drop that, even though I am very aware that countries like China have tens of thousands of children in orphanages on the basis of at times minor and often correctable special needs.

I should also say that I was asked at one point to adopt a local child with Down syndrome. I did not feel able to. While I am willing and able to undertake considerable parenting challenges, I did feel that adopting a child with a very severe developmental disability was beyond my capacity as a single parent. I would like to make two points. Firstly, there should be more emphasis on allowing single people to adopt children. Indeed, some states do not allow that at all. Secondly, we should look at ways in which children with special needs can be adopted into Australia.

CHAIR—There are some countries that allow singles to adopt.

Danielle—Yes, they do.

CHAIR—Ethiopia is one.

Danielle—Yes, but that program has closed down twice in recent years. I think that at the moment it is currently closed.

CHAIR—No, it is not. I can tell you that it is not.

Kylie—There was an allocation two days ago.

Danielle—Okay, so it has been reopened. But in the time that I have been looking at this it has closed down twice and reopened, so it is a bit unpredictable that way. China has a quota. Hong Kong does allow single applicants, but most single applicants do not seem to be allocated children.

CHAIR—I guess there is competition between couples—

Danielle—True.

CHAIR—and they are going to be preferred, I guess.

Danielle—I guess we could get into some kind of philosophical argument about that. There are some other overseas countries that do allow singles to adopt in an unrestricted way. They include Cambodia and Vietnam. I would like to make that point because there are a number of single applicants out there and I feel that we will make committed and successful parents. I have an adopted sister, so I am going into it with a lot of personal experience.

CHAIR—We wish you every success.

Danielle—Thank you very much.

CHAIR—Thank you for coming and putting forward that point of view. Who would like to be next?

Kathy—Thank you for this opportunity. I am here today to talk to you as an adoptive mum—I have a six-year-old son who was born in Guatemala—and also as the wife of an adoptee who was adopted in New South Wales 36 years ago and must be one of the few who has had a great life and does not have anything to complain about, as far as I know.

CHAIR—Someone made the point that we need to hear some more good news stories.

Kathy—I think that the people are happy are out there living their lives and getting on with it, but that is just my opinion. There are a few things I want to say. We seem to throw the word ‘culture’ around quite a lot. I have been to the orphanage where my son spent the first 16 months of his life and I am not sure what culture he would have been exposed to if we had left him in Guatemala to live out the rest of his life. He has a mild developmental delay, and when we picked him up at 16 months he could barely sit up. He was the size of a six-month-old. He was not getting his needs met at all. Maybe he is missing out on the culture but I believe he will learn more about the Guatemalan culture by being brought up as an Australian, because (a) he will survive and (b) he will be educated and literate. We are reading him books about Guatemalan culture, whereas I am quite sure nobody was reading to him in the orphanage.

I am an immigrant; I came here from the former USSR when I was eight years old. I know that culture is really great but survival comes first, along with love, respect, education and life

opportunities. We can all talk about culture from our Western middle-class lifestyle—and that is wonderful—but I do not think my son would have experienced any kind of rich Guatemalan culture. In fact, he would probably have been lucky to grow up to shine shoes for a couple of dollars a day, if that. I have no misconceptions that I took him away from anything wonderful.

I think that is where the so-called adoption professionals that we deal with come from—the fact that we are taking these children away from their culture, thus doing something that is going to be bad for the child in the long run. I do not believe that. To me, these professionals are like vegetarians running a butcher shop. They are doing their job but they do not really believe in what they are doing. That is how it comes across. I do not believe we were supported or encouraged at all during our first or second adoption process. In fact, I often say that we got to adopt despite DOCS and not because of them.

I think the federal government can do quite a few things to help the adoption culture. Firstly, we need a full-time department or an agency of the Attorney-General's Department which conducts programs. Leaving it up to the states—I do not know if you are getting the picture yet—just does not work. They do not care; they do not want to do it; they want to pass the buck. It is amazing that there are any programs. How that happened is really bizarre because they do not seem all that interested. As you said, Tasmania is supposed to be in charge of South Africa, but they do not want to do it, so no one does it. It just sits there. The children are there. The children need families—

CHAIR—The South African government, in fairness to them, have not passed the legislation that is necessary either.

Kathy—I do not know, but I know that other countries are running programs for South Africa, so somehow they are managing to do it. I do not know how. The other thing I want to talk about is the Hague convention. Our son was born in Guatemala and we adopted him from there. It was a program that DOCS introduced us to after we had initially started with another program. When we went to adopt a second child we were told we would be allowed to, but when it came to the crunch they just kept telling us, 'No, you can't. It's not a Hague country.' It seems to me that China, which is our most successful country regarding adoptions, is not a Hague country. So it is possible to run successful programs with non-Hague countries, yet DOCS told us many times that they will not run programs with non-Hague countries—Guatemala being one of them.

CHAIR—I think that basically the Philippines and India are the only two Hague countries—

Kathy—We are currently waiting for an allocation from Colombia, and that is a Hague country as well. To my way of thinking, it is a bit of a weird situation because the donor countries that are asked to be Hague signatories are the countries which can least afford the bureaucracy necessary to implement Hague standards to appease countries like Australia. If we cannot do it with all of our resources in Australia, if our adoption culture is so pathetic, how can Third World countries run adequate adoption programs with their resources? It just seems ridiculous. We should be setting up programs where the need is, not having these arbitrary sorts of things like saying that we do not deal with non-Hague countries when in fact we do, with China.

Just very quickly, to finish off, I want to talk about the fees. We were charged a fee of \$1,305 by the federal government to process our child's adoption visa. It is just not fair. We have just paid \$1,500 to have our paperwork legalised by the Department of Foreign Affairs and Trade, which basically means they attach a piece of paper to each of our documents saying that it is a real document. I think it is \$100 per sheet. It is just ridiculous. There is the \$4,000 that only children under two are entitled to. It just shows that the government is not fully aware of adoption issues.

CHAIR—In fairness, quite a lot of us did a bit of lobbying about that. It used to be only for one-year-olds and we got it up to two in the last budget.

Kathy—If I had read my whole speech I would have said that I am very grateful for that, but for 2½- to five-year-olds the needs are still there.

CHAIR—I take your point.

Kathy—Our first adoption cost \$37,000. It will probably be around \$40,000 this time around. If we do not need that \$4,000 I do not know who does. I would just like adoptive families to be treated with a little bit of respect in society and given some of the opportunities and support that we really need. That is my big speech in a nutshell. Thank you.

CHAIR—Thank you very much. We appreciate that.

Mrs MARKUS—What were some of the challenges you had relating to DOCS, administratively, or with the professionals?

Kathy—I could be here for another couple of hours answering that, but one of the things was that a social worker told us we had communication problems and sent us to a marriage counsellor. When we returned from a few visits with the marriage counsellor, who was quite confused as to why we were there, the social worker never asked us for a report or anything else; we just went. So I had sleepless nights, crying myself to sleep, thinking we were going to fail. The first time around you are really very anxious about the whole process because these are the people who are the gatekeepers. If you do not pass there is no-one to complain to because they are it.

CHAIR—There is no transparency?

Kathy—Exactly. DOCS tell us that they are child centred, but during the waiting process for our son it became obvious that he might have some delays and the DOCS manager at the time and our caseworker called us in and said, 'You can pull out now.' They did not say, 'We think your son might have some issues; we are here to support you or offer help.' They said, 'If you want to back out of this adoption, you can.' When we said, 'No, he is our son; we want to bring him home,' they said, 'That is very child centred of you.' I could not believe what I was hearing.

Mr TICEHURST—What is it all about?

Kathy—Exactly.

Mrs MARKUS—So they were possibly too problem focused instead of saying, ‘This is a challenge; how can we work through it with you?’

Kathy—Definitely. We started off wanting to possibly adopt older children. Straightaway you go to the social worker and they tell you, ‘No, it’s best to adopt as young as possible.’ It seems to me that there is this kind of risk management attitude rather than looking at what is best for the child. Instead of encouraging people, educating them and supporting them, we are treated like children who do not really know what we want—they are going to teach us what is right and we cannot make decisions. We have never had any support with our son since we have been home. He has had the whole range of therapies and lots of support, but we have found that independently. DOCS do not offer any ongoing support as far as I am aware.

Mrs MARKUS—You did not feel that your strengths were validated and that what you brought to this child or to this process was encouraged or valued?

Kathy—Not at all.

Mrs MARKUS—I am sorry to hear that.

Kathy—It is very frustrating, but what does not kill you makes you stronger, and I think we are a lot stronger.

CHAIR—Thank you very much for coming today.

Kathryn—I will tell you a little bit about my background, because that certainly shapes who I am today. I found out I was adopted when I was 43. To say it was a shock is a gross understatement. It was a very successful adoption—so successful that I was blown out of the water, because I had no idea. I had a very positive experience. However, a lot of us who have been adopted and did not even realise it did not know we had issues to deal with, and that certainly has coloured my life in forming relationships. The adult adoptees who spoke before said that with this do come issues. Of course, if we have been abandoned at a pre-verbal stage, we are going to have things in our body that need to be dealt with. So, certainly as a 43-year-old, I needed to work through my issues that I did not even realise I had.

The downside of that is that I was married very young and was then involved with various men who, for whatever reason, were not available. Ultimately I think I was keeping myself safe. Then I found a man whom I fell madly in love with who had children. He was very wonderful and said to me right at the beginning, ‘I am not willing to have children again, and I know it is important for you.’ I tried to let go of that feeling. I said, ‘Oh well, I’ll be a young grandma.’ I tried to let go of it and I could not. We split up because of that, but we are still very good friends. I went down the sperm donor route. That was a conscious choice to be a mother. I think I did about two or three cycles.

At the same time, my mother, who was also adopted and who found out that she was adopted just after her mother passed away, was dying. I was lucky enough to find out just before and to be able to thank her. So I was not really in the space to be conceiving. Then a friend said, ‘Have you thought of international adoption?’ The rest was really a three-year journey and that is the result over there that you have seen: my gorgeous girl, Samrawit.

CHAIR—She is gorgeous.

Kathryn—Yes. She will have been in my life for two years in December. It is a huge emotional roller-coaster choosing to be a parent and being determined to be a parent. I was approached by the sperm donor clinic, which asked if I would like to go IVF. For me personally it was not something I felt I needed to do. For me it was about becoming a mother and, probably because I had found out that I was adopted, it was more important for me to be a mother to someone who needed a mother than to hang on to the egoistic side. From my perspective it would have been very egoistic to insist that it be a child from my own tummy. However, had I chosen to go IVF, I would have had a lot of financial support. So what I would like to state is that I chose for my own personal reasons and also for altruistic reasons to adopt a child that needed a mummy, but I did not get any support financially. To me that is a bit out of whack. How we form our families is a personal choice—or sometimes it is not. Sometimes it is taken away and this is the only choice.

As far as my experience was concerned, it was very frustrating because your life is not your own, so to speak. You feel like a piece of paper. Mine was a three-year process: one week short of three years from the time that I put in my expression of interest form through to arriving back in the country with Samrawit. For some people that is quite a short process, but it is still a huge emotional roller-coaster. My experience with my own social worker was that she was brilliant. I did not feel negated in any way. I came into it with a high level of self-esteem. I never questioned that I would be approved. I just went into it that way. My social worker was, I think, outstanding and still is. I have applied for a second child and we are in the process of that at the moment.

I feel that DOCS are way, way, way, grossly understaffed. Sitting here earlier I just had a bit of an ‘aha’ moment. I thought, ‘What would it be like to have adoptive families working in the adoption department?’ We do not feel like people understand us. They cannot. They are not in our skin. They are not going through the process. I just realised that. My life has changed dramatically since Samrawit. What I used to do to earn my money is not appropriate anymore because I want to be at home with her. I just toss that in to say that perhaps it is time to use the resources that we have that really do understand the process to get in there and get the program moving quicker, because there is no reason that it should take that long. It is the longest pregnancy.

CHAIR—How long before your file went to Ethiopia and how long after it went to Ethiopia was the allocation made?

Kathryn—I was approved approximately one year after I put my expression of interest form in. So it was a one-year process from expression of interest through. I was very proactive in getting into my first seminar. I heard that you had to wait sometimes six months to get to your first seminar. So I got on the phone and I said: ‘Okay, I run my own business. What would it take to get into one earlier? I am getting older.’ This is just it: we come to these decisions at a time in life when some of us are not young. I asked lots of questions of the girl on the end of the phone. She said: ‘We run these seminars every month and we invite X, Y, Z number of people, but we don’t get a chance if someone can’t make it’—because both partners need to go if you are a couple—‘to ring around and fill those positions.’ So the course goes ahead but there are all these people—hundreds—in the queue. So I said: ‘What can I do? I’m available at short notice.’ She

said, 'If you were to ring on the last Friday of the month, there might be a position for the following Friday.'

CHAIR—And that is how you got in.

Kathryn—I actually went on my merry way and was marketing my business—January is the busiest time—and forgot. But I must have made an impression on her and she rang me and said, 'Would you like to come to the February workshop?' So I fast-tracked a little, but then I had to wait six months for my older child seminar.

CHAIR—What about the wait from when your file went to Ethiopia? How long did that take?

Kathryn—It sat on a list here for a year. Then, when it went over to Ethiopia, it arrived in the country on 23 April and I was allocated Samrawit in late September. So it was about six months.

CHAIR—How old was she then?

Kathryn—She had just turned four, and she is just about to turn six. From my perspective it is the most wonderful way to enrich our nation. We have this wonderful multicultural race of people that we call Australian now. Let us embrace it, bring these incredibly beautiful people in and make it easier for people to do that. Financially I was able to do this. I know so many single mums that cannot.

CHAIR—Do you know any of Samrawit's background?

Kathryn—We are very blessed. We know her aunty and six cousins. She has never been institutionalised. She spent from six months of age through to just before she turned four with her aunty, uncle and cousins, whom we stay in touch with. We have just had news that, because of the money that I send over to them, they are sending for her brother, who lives in a little village in Buta Jira, out of Addis Ababa. He is going to come and live with them and go to school as well. We now know his name. So we have family to stay in touch with, which we do. They now have a phone on, they have moved house and they are all going to school. We are very blessed. DOCS do a very good job in informing you that there is a high chance that you will not have any of that. So I consider it a blessing.

CHAIR—Do you know what happened with the relinquishing by her birth mother?

Kathryn—Yes. Her father and mother passed away from either AIDS or tuberculosis—we are not sure which.

CHAIR—She is lovely. Thank you for coming. Is there anything else you want to add?

Kathryn—Everyone has said it this morning: the discrepancies from state to state are very confusing. I belong to AACASA, which is a support group for Ethiopian families. It is really tough. It is the most wonderful support group. It is so valuable. You are chatting away, and you just feel badly that someone in Queensland might be waiting five years and they might be paying \$2,000. We are paying \$9,000 and we might wait three years. It is time we made it an even playing field so that everybody gets the same opportunity.

CHAIR—You would not want it to get worse, though, would you?

Kathryn—No, not at all. Thank you for your time. The opportunity is really valuable.

CHAIR—Thank you.

William—My wife Judy and I have a seven-year-old daughter, from Ethiopia also. Some of these people you have been speaking to already are good friends of ours through the AACASA network. I want to raise two issues today. I think one is unique to our particular circumstance and which you might like to think about. The other is examples of the inequities from state to state and the time of processing. When we were in Ethiopia picking up Eyerus in July 2001, we met quite a few people who were also doing the same thing at the same time. Some of those people were from the ACT and some were from South Australia. It was interesting for us. We are in the process of going through a second adoption at the moment. Our file is in Ethiopia and we are hoping that we might get an allocation soon. We are waiting for that telephone call as well.

This example illustrates the differences in the time frames in which processing occurs. We met a young couple in Ethiopia at the time that was picking up a baby. They came from the Eyre Peninsula in South Australia. That was in July 2001. By October 2003, they had returned with their second child. We had the same space of time. We had been in Ethiopia at exactly the same time. We had applied for a second child as soon as we could after we returned to Australia, yet they have been back two years whereas we are still waiting to go. There is a similar case with some friends from Canberra. They went six months after us. They went in January 2002 and they had been back a year with their second allocation of children. They were living in Canberra at the time.

CHAIR—Was the discrepancy between the time that the files were sent to Ethiopia or was it the time that the files spent in Ethiopia?

William—Mostly it is in the time that is taken at this end of the process. This is only hearsay, so it is probably worth testing at some stage. I understand that normally it is a year before you can apply for a second allocation of children. I understand that what South Australia were doing was that, if you wanted to go for a second allocation, they would do all the activities that they could do for processing that file up to the date when the application could be made. So basically they could have a year's head start in processing an application, and then it would be put into the system with a whole lot of work already done. In New South Wales we were not even allowed to lodge an application. We lodged our application in February 2003.

CHAIR—So you had to wait the full year before you put in the second application.

William—That is right. In the ACT I think it is just a case of having fewer people to process. In the particular case of the couple who went in January I think their allocation was on 19 December 2001; on 19 December 2002 they walked into the equivalent of DOCS in the ACT and put their application in and it was processed straightaway. That is one of the differences that we are seeing—cases where we are in the same kind of time frame as those two couples and we are seeing a marked difference in the time that it takes. Our application for a second allocation was approved in April, and it had been there since August last year. So at the moment we are at the 13-month mark, which is about the same time frame as the processing the first time. There

was no concession made for the fact that we had already adopted once and that we were successful as parents. There was no concession in terms of fees, processing or any of those elements. That is frustrating for us, who are well connected. Our friendships and relationships stretch right across Australia due to the adoption that we have done, which makes for great holidays but also means that we are in good contact with people who have been through it. So I present those two case studies as examples of differences between states.

The other issue I would like to touch on is to do with the ongoing relationship with family who remain in the country of origin. Our daughter, Eyerus, came from a town 400 kilometres north-east of Addis Ababa. The reason she was relinquished for adoption was that her father had been killed in a car accident while living in Eritrea at the port town of Asaba. As I understand it, the Ethiopian government, during the war between Ethiopia and Eritrea, repatriated the family to the town of Dessie in Ethiopia. They lived in a displaced persons camp. The mother died, we guess, at about the age of 45, leaving Eyerus, who was three; an older sister, who was about nine; and a 16-year-old cousin, who basically had been in the family since she was one year old—so effectively she was an older sister. The social workers there I think convinced Eyerus's 'older sister' to relinquish her for adoption. They had no income. They currently still live in a displaced persons camp in a room that is about 10 square feet with no running water, no sewerage and no cooking facilities. It has a single light bulb and a fairly large single bed which they share. That accommodation is in a block that looks about the size of a toilet block in a caravan park.

When we returned to Australia our hearts were so struck by the conditions of these two girls and the circumstances they found themselves in that we looked at the option of adopting them or finding some way of bringing them to Australia. We were thwarted at every turn. We were told that because Eyerus was adopted to us all rights of family connection were extinguished from a legal point of view. So family reunion programs for immigration were out. We were told that because they were Ethiopian and live in Ethiopia they were not refugees. They were with country, they were economic refugees, but they did not qualify as refugees.

They do not have any skills. They were nine and 16 at the time and had not had very much schooling, so they could not come as skilled immigrants to Australia, which left only the option of an educational visa. Educational visas, as you might know, are very expensive. I think the fees for each of the girls to do their schooling would have been \$6,000 per year, plus we needed to have several years of those fees in the bank for it to even be considered, as well as a couple of years of school records and so on. So we found on every corner that we were thwarted. We looked at the adoption option and were told that they were too old, even though under the UN convention they were eligible to come. In that, we were not supported by DOCS or by the agent in Ethiopia. At the moment we send money on a monthly basis to keep a roof over their heads and to feed and educate them, which will give them a start. But it is not quite the same as having them with you.

We were prepared to support them in every way—that is, financially, emotionally and physically—in Australia, but we were prevented from doing that. It seems that there are two sorts of rules running. One is that you are encouraged to keep the connection between the child and the birth family as much as you possibly can but, when it comes to doing something of material benefit for them like including them in your family, that is not possible. I flag that issue as one that you might not have come across in your deliberations so far.

CHAIR—Thank you very much for coming. I think it was very well and succinctly put.

Leanne—I am a single woman. I am trying to adopt. I am at the very start of the whole process. I have met some of these people through AACASA, which I think is absolutely wonderful, because otherwise you feel very alone because you do not know a lot of people who are doing this. You do know lots of people who have children, but you do not know a lot of people who are trying to adopt and all the things that come with that. I do not have anything new to talk about. I just thought that this was really important, so I wanted to reiterate a few of the things that I have come across which I think are going to affect me personally as I go through this process.

One of the things that affects me personally has to do with the discrepancies between states. The first is the health issue. I am obviously quite overweight. I went to quite a number of doctors and got certificates and whatever else to say that I am very healthy and have been doing things about my weight. The New South Wales government were nice enough to say that that was good and, so long as I keep doing the proper things and keep trying to lose weight and whatever else, they were happy for me to go ahead with my adoption. But I know that in other states they are not allowed to do that at all; they are just cut off straightaway. If you are not at a certain BMI level, then there is nothing you can do about it. I think that is very unfair because, as my doctor said, there is nothing wrong with me whatsoever. I am a teacher. I work with teenagers every day and I can run around after 13-year olds and 14-year-olds. I have just taken an entire class of them to Central Australia for two weeks. If that does not prove that you are fit and healthy and can look after kids, nothing does.

CHAIR—Good old Queensland is the big offender in the overweight stakes.

Leanne—The other discrepancy is that some states do not allow single people to adopt. I think that is extremely unfair. I think that we are all Australians and that there should be a rule for Australians. If it is made a rule that all Australians cannot adopt if they are single, people can complain against that, but I think it is really unfair that it depends on where you live and whether or not you are in one city or another.

CHAIR—It also depends on the country from which you want to adopt.

Leanne—That is true as well, but I think that it is not right for your own state government to say that you cannot even start the process just because you are single. If you have family, friends and a very good support network, you can certainly do it. Like I said, everyone has talked about these issues, but the other discrepancy relates to the ACT and just how much more quickly and efficiently things happen there. It is very frustrating for me in New South Wales. I put in my expression of interest at the start of the year. I am currently in the middle of my social worker interviews. I would not be if I had not pushed things. I pushed to get into any seminars as quickly as I could. I did all my paperwork and everything else as quickly as I could and I think that is the only reason I am as far ahead as I am, because I know of other people who are at the same stage as I am but who put in their expression of interest last year.

Of course, there is the cost. I think the cost is prohibitive. I am lucky that I have a good job, I can save very hard and have very strict budgeting and I can do this, but it really cuts out a lot of

people who are in less fortunate jobs or who have fewer professional skills so that they cannot have such a job. That is very unfair.

Another thing is that I know it does take a lot of people a very long time. I was talking to somebody the other day and it has taken them seven months just to get into a seminar. That was in Victoria. There are a lot of people who need to go to the seminars, because you really need to face those issues and decide whether or not you want to go ahead with this. If you cannot even get up to the point where you are actually facing the important issues then you might decide this is not right for you, but it is a really important starting point. To have to wait for over half a year just to get to that point is too long.

Another point relates to the allowance that goes to people who adopt children who are under two. Yes, I think it is good that it is up to two, but everybody needs it. There is not a lower cost just because your child gets older. There is another issue going back to differences between states. I am not entirely sure that this should be a state thing; it should possibly be a national thing. But then I worry about that and whether or not it would slow things down or make things worse. I do not know. I have thought a lot about it and I just keep going back and forth.

My last point is about how other countries do things. For example, I have been reading a lot about Americans and I know that they pay approximately the same costs—\$25,000 to \$40,000—but they go through agencies. Their time frames are closer to five to nine months, as opposed to three to four to five years. I wonder about that. Going through the agencies obviously is not making it more costly. It is costing them exactly the same but they can do the whole thing so much quicker. But, like I said, I am very new to this so maybe there are just things I do not know.

CHAIR—Thank you very much for coming and giving us that. Anyone else?

Susan—We were in Ethiopia four years ago and we adopted Zenash at the same time that Eyerus was adopted by William and Judy. She is a very good girl. I have been trying to write information down as people have been talking about the things that they have spoken about. A lot of people do not bring up faults with DOCS because they are so scared. I can remember when I went through the process, and I was so worried about which way was right and which way was wrong. If you say something one way, can it be taken another way? I know that Kathryn went through a big process—

Kathryn—Yes.

Susan—because she said one thing that was taken the wrong way and then she had to go through another six months of processes. She ended up getting a boyfriend very close to the end of her adoption process, or the time of her papers going to Ethiopia, and then she had to go through another great big process of getting him approved and all of the things that went with that.

I was in Ethiopia at the time, two years ago, when Samrawit was there. I know that when her mum came for her she looked tired and worn because the last six months had drawn so much out of her. It is a long process that takes a lot of energy and a lot of organisation to put together. You are not only dealing with DOCS but you have to go and find your own notary public, you have

to go and organise with your doctors and you have to organise all your travel arrangements and money—and we are not very well off. I am from Western Sydney. That does not mean that I could not be wealthy but—

CHAIR—It means you are a pretty good citizen, actually.

Susan—But we are not in the higher echelons of money or anything like that. Zenash is now a full Australian citizen. She has her citizenship and DOCS keep sending me letters asking me to take them the citizenship papers. They want them notarised so they can send them to Ethiopia. I am finding getting that sort of thing done—finding the notary public and all that sort of stuff—outside of a government department hard, when they could have a notary public attached and it would be cheaper in that way. It is going to cost us a lot of money, time and travel from Western Sydney to find a notary public or to go back to the notary public in the mountains whom we did go to.

When we were adopting Zenash, the Ethiopian program was not shut down. But the Americans, through their agencies, had sent a different family from the one who were on the paperwork. The Ethiopians closed the program for six months. They basically shut down until everybody matched up. I know that two years ago, when I was there, there were quite a few worries with other countries that are not as firm as we are here in Australia. We are the strictest country in the lead-up to adoption and in the follow-up. We are the only country dealing with Ethiopia that has to report back to them. With France, Switzerland and all of those other countries—especially Spain—they have an agent who comes in, finds the children and the children go out. The Ethiopian government do not even know where they have gone. They do not know who has adopted them or what has happened to them. They absolutely love Australia for being so connected to families and to them in reporting back through DOCS and doing all of that—I wanted to say that.

When I started the process, I was on IVF too. I would ring up DOCS and say, ‘I’m on IVF but I need to find out about adoption.’ They would say, ‘I’m sorry. You can’t have any information until you’ve finished.’ I rang about five times and then they said, ‘Oh yes, we do have an information pack,’ and they sent that out. But there is really nothing there to help you to decide on the processes. I could have done IVF another five times and it still would not have done me any good. I had gone through it three times and that was enough. There needs to be a cut-off point and a helping point for people, because it our lives and we are doing all the things we can to have children. There needs to be a line that we cross where they say, ‘IVF is not going to do you any good. You can step in now,’ so I can ring DOCS and they say, ‘Yes. This is what you can do,’ and give you that option and the choices of Australian adoption, overseas adoption, handicapped adoption and fostering, all of those things—whatever you need.

CHAIR—Did you think about fostering?

Susan—Yes, but the child could have been taken away. There were lots of things like that. I did half of the seminars for fostering before we went for full adoption. I could not have my child taken away, and I could not have them for two years, six months or whatever and then have them taken away after short-term fostering.

I had weight problems and other issues. Even when I did deal with DOCS I tried to minimise my contact. I dealt mostly with the clerk in DOCS. She was very helpful. She seemed to be the one behind the scenes who knew the most and was the one who would give me what I needed to know and tell me how to go about doing things. Sometimes you are a bit worried about how you go about doing things, too, because you do not want to be perceived to be a person who is not eligible to adopt. I have a very loud voice and if you heard me yell, you would say, 'She's a bad mother.' There are things like that that you know about yourself that you try to minimise all the time. I think Zenash should talk.

CHAIR—Would you like to talk?

Zanesh—Yes.

CHAIR—Do you like being here?

Zenash—Yes.

CHAIR—Mum is pretty good?

Zenash—Yes.

CHAIR—Are you at school?

Zenash—Yes.

CHAIR—Where are you at school?

Zenash—St Marys South Public School.

CHAIR—Are you doing well?

Zenash—Yes.

CHAIR—That is good. What is your favourite subject?

Zenash—English.

CHAIR—Good girl. Do you have a favourite book?

Zenash—No.

CHAIR—Are you reading?

Susan—She gets a gold merit every term, and she is up to maintaining gold because once they get it they have to maintain it for the year.

CHAIR—That is pretty good.

Susan—She is very good at English. The other thing I wanted to mention is that you do not just get a child; you usually get a family. Some children are completely abandoned, but it is our obligation to her country and to her to try to find family, which we did, and we support her family. You do not just take on a child; you take on a life from whatever circumstances that child has come. That is part of my obligation. You sign paperwork to say that you will take that on, so that is what you do. In the American program the notary public is very hard. Older children are supposed to be quicker—Zenash was four; she is eight now. You need to have no police record and enough money in the bank. The first house I had did not have an inside toilet. I only mentioned that at a seminar, but when the girl came to see the house we ended up buying she went looking for the toilet outside. So things you say at seminars must be remembered.

CHAIR—Thank you very much, young ladies.

Susan—Maybe you should leave her there and just keep questioning her.

CHAIR—I thank everyone who has been part of the community statements session. We find it is helpful to us. We hope it is useful to you to come and put a point of view, including points that people feel strongly about—like Lily’s. People’s stories are helpful to us in thinking our way through this.

Proceedings suspended from 1.02 pm to 1.53 pm

BURNS, Dr Lucinda Alleyne, Committee Member and Thailand Program Information Officer, Australian Society for Intercountry Aid for Children (New South Wales)

CLARK, Mrs Raewyn Louise, Newsletter Editor and Member, Australian Society for Intercountry Aid for Children (New South Wales)

O'REILLY, Mr Timothy Patrick, Committee Member, Australian Society for Intercountry Aid for Children (New South Wales)

SCHILZ-MIDDLETON, Dr Evelyne, President, Australian Society for Intercountry Aid for Children (New South Wales)

Witnesses were then sworn or affirmed—

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

Dr Schilz-Middleton—Thank you very much for this opportunity to address you today. I am currently the President of ASIAC (New South Wales) and an adoptive parent. Joining me here today are Dr Lucy Burns, past president of ASIAC and adoptive parent; Rae Clark, committee member of ASIAC and prospective adoptive parent; and Tim O'Reilly, coauthor of our submission and adoptive parent. Established in 1975, ASIAC is a parent support group for families that have adopted or are in the process of adopting children from China, Korea, India, the Philippines, Taiwan and Thailand. We are one of the longest serving and largest parent support groups in New South Wales, with over 500 members. ASIAC's philosophy is that every child, regardless of colour, race or creed, has a right to a family life in which he or she may develop his or her full potential.

Our association's key goals are to inform, assist and support prospective adoptive parents, to encourage contact between adoptive families, to promote understanding of intercountry adoption both in Australia and overseas, to provide support to needy children in overseas countries and to assist in self-help programs in those countries. To assist prospective adoptive parents, ASIAC holds general information days with the participation of DOCS, social workers, PARC and adult adoptees. We had over 150 attendees at our recent information day. We also hold country-specific information days with the participation of recently returned adoptive parents to provide practical advice on what to expect when picking up your child and what to expect when you arrive home. Finally, we host waiting parents evenings to provide updates on country programs and make available the opportunity to meet DOCS staff, ASIAC information officers and other waiting parents.

To encourage contact between adoptive families, ASIAC organises discussion evenings, cultural events, picnics and annual camps. We support over 15 playgroups throughout New South Wales. Through these events we aim to network families to share adoption experiences and provide mutual support as well as strive to keep our children connected to each other and their birth countries. To inform our members, ASIAC maintains a web site which attracts over 350 visitors a week. We issue a newsletter four times a year covering program updates, new arrival announcements, events and relevant information to the intercountry adoption community.

We have a voice at government departmental level on various committees advocating on behalf of our members.

To support needy children in overseas countries we manage sponsorship programs for each of the countries we represent. The aim of these programs is to provide financial assistance towards the education of these children. ASIAC also makes special donations towards self-help projects such as buying fishing nets for each family of a fishing village in India affected by the tsunami to help restart their livelihoods. All of this is done on a volunteer basis.

Our submission has made a number of points regarding the inconsistent adoption practices between states, as well as the disparities between biological families and adoptive families. In this regard, we would like to focus our comments here today on two issues of major concern to our membership—the cost of intercountry adoption in New South Wales and the need for increased focus on parental education and post-adoption services. Intercountry adoption is expensive. Many families use the equity in their homes to finance their adoptions. For families that are not homeowners, the cost of adoption is often prohibitive. The Commonwealth subsidises the costs associated with growing families by biological means, yet it provides no financial assistance with adoption expenses.

Rae Clark is a chartered accountant and is currently in the process of adopting a child from Korea. She will provide the committee with a brief overview of the costs that her family will encounter in their adoption and present a model for adoption tax relief. Post-adoption issues remain a particular concern of our organisation. The increasing profile of intercountry adoption in the media appears to be focused largely on the assessment phase, with little foresight to or concern for the planning and provision of services to assist adoptive families to settle into their new lives and roles. Dr Burns has recently compiled a book, *Children of Many Lands*, that contains a comprehensive overview of intercountry adoption. She will give a brief overview of the issues around post-adoption raised by more than 200 adoptive families across New South Wales. I will hand over to Rae Clark.

Mrs Clark—Thank you. My husband and I are nine months into the process of adopting a baby from Korea, and we estimate that it will cost us \$35,000 to adopt our next child. You have got a copy of my handout, and I have detailed the breakdown of that estimate. We already have a child. He will be three in December, and he joined our family at no cost to us; he is a biological son. He was born using the public hospital system here in Sydney, and we did not incur any fees associated with his birth. So the cost we will experience in adding our next child is quite a shock.

As a chartered accountant I specialised in personal income tax for six years, and I have got a personal and a professional interest in the issue of tax relief for adoption costs. There are a number of models for adoption tax relief. Historically, Australia has had a system of tax relief for adoption. Prior to 1975, there was a deduction and prior to 1985 there was a rebate. The handout also summarises those, as well as providing copies of the historical legislation. Around the world there are a number of models used for adoption tax relief, and they are also summarised on the handout.

The model for tax relief that ASIAC would like to present is the same as the medical expenses rebate, which is that for all expenses over \$1,500 you get a rebate of up to 20 per cent. It is ASIAC's position that a similar model should be introduced for adoption expenses. In terms of

costs for the government and economic impact: last year there were 272 intercountry adoptions, and if each of those adoptions were to cost \$35,000 and a rebate equal to the medical expenses rebate were provided, this would cost the government less than \$2 million annually, yet it would have a significant effect on adoptive families. We recommend that this committee considers making a recommendation for adoption tax relief to be explored and legislated.

Dr Burns—I would just like to give some brief excerpts from a report that we have recently undertaken for ASIAC New South Wales. The report contains a historical overview of intercountry adoption in Australia; interviews with adoption professionals; a survey completed by 190 adoptive families, covering 224 children; and stories from 12 adoptive families about their journeys. The book has raised many issues around intercountry adoption, but for the purposes of today’s inquiry I would like to focus on the needs of intercountry families and the lack of services currently meeting those needs.

Firstly, I would like to re-emphasise that we are discussing the future of small children who have no choice in the decisions made for them. In this situation there is an absolute imperative for care and protection. As the report says:

He left the orphanage with the clothes he wore and a small book of his schoolwork—nothing else. He had no tooth brush, change of clothes, photograph or memento at all; nothing to remind him of his five years at the orphanage, except for a couple of school workbooks. And there he was, prepared to walk away to another country with total strangers.

Our survey asked about a number of issues, including bonding and attachment. We found that, whilst the majority of children bonded quickly and intensely with their parents, there were subgroups of children for whom this process proved very difficult. In particular, as found in the international literature, children adopted at older ages took significantly longer to bond and were less securely attached. This is a stressful time, and parents were often left without the support or knowledge of how to promote attachment with their children. Some of their reactions are in the report:

In my heart, I lacked confidence about my ability as a parent and so I had tried to prepare myself for the fact that Daisy would probably attach first to Craig—

her husband—

who is naturally relaxed around children. I was glad that Daisy had ‘attached’ to Craig; it meant that she had the emotional ability to do this, a positive early indicator. However, I am ashamed to say that, in my heart, I was devastated. I had waited so long to become a mother and my darkest, most hidden fears were welling up. I had planned how I would handle initial rejection. When it actually happened, all my preparations went flying out the window. To me, it appeared that all the other babies had attached to the mother—except for mine.

... ..

He bonded to us immediately, but has high anxiety and fear of being abandoned. It’s manageable, but he must be micromanaged to ensure he remains calm, secure and trusting of his environment.

... ..

Our two younger children came to us very hurt and confused. Both needed to see counsellors to work through issues of loss and abandonment. The twenty-two year old is doing well now, but the eighteen year old is still struggling.

Our survey asked parents about the health of their children. I have a table here which demonstrates the main health issues raised, and of particular note is that one in five parents reported behavioural/psychological problems in their children. These often occurred at the time of adoption, but many were longstanding.

A number of parents reported that their children exhibited violent tantrums and that they were ill prepared to deal with these issues:

One paediatrician referred us to a child psychologist because of her concern at the severity of the tantrums. As with other professionals, the psychologist was unable to provide any assistance ... We have tried to analyse the early tantrums. What would have reduced their severity we wonder?

... ..

No amount of training would have prepared us totally for the emotional and physical toll that the first four to six months had on all of us. When he first came home, we dreaded his daily tantrums because of the intensity of them and the duration.

... ..

She was quite violent. She was obviously used to being hit as she tried to provoke me every time. It almost seemed like she needed the 'completion' of physical abuse. She also used to call herself negative things and hit herself on the head. Time out didn't work as she refused to be more than one metre away from me. Avoiding eye contact sometimes did. She grew out of it after about five months, when she had enough English ... and but still gets weepy and temperamental when she gets out her routine.

... ..

If he wasn't in control of a situation he would hold his breath until he passed out. The best solution was to ignore him but make sure he was in a safe area to fall. He grew out of this by age four.

These are just some of the challenges adoptive families face. Yet, despite this, there are no courses run to educate prospective parents about the specifics of parenting a child from overseas. The majority of this work is undertaken by parent support groups. There are virtually no specialist services available to assist parents with the management of their adopted children in either a preventive or treatment framework. There are no services available in country regions. Despite the emphasis on streamlining processes to make the adoptive process quicker and less bureaucratic, there is no long-term data available examining how children adopted from overseas actually fare in Australia.

Coming from this, we have two main recommendations: firstly, the funding of a suitably qualified professional group to provide parenting advice and health information to families adopting children from overseas both prior to the adoption and once the child has been placed; and, secondly, the funding of a large-scale probably longitudinal study of the physical, social and medical welfare of children adopted from overseas into Australia.

CHAIR—I take it that those incidents were quotes from different people's experience?

Dr Burns—Yes.

CHAIR—Would you give us that?

Dr Burns—Yes, I will table that.

CHAIR—We will accept those three documents as supplementary submissions. Mr O'Reilly, would you like to make an opening statement?

Mr O'Reilly—I am not specifically down to say anything, except to answer questions.

CHAIR—Feel free to say something if you want to.

Mr O'Reilly—Thank you.

CHAIR—We have been hearing quite a bit about the need for post-adoption services. Who do you think would be best placed to supply those services?

Dr Burns—At the moment there is an organisation in New South Wales called the Post Adoption Resource Centre, PARC, which is run through the Benevolent Society. I believe it is partially funded by the New South Wales Department of Community Services, so I am not privy to those details. Essentially my understanding is that that organisation arose out of the need for local adoptees to connect with their biological families and to assist them in doing that. It obviously seems well placed to do that. It is seeing more intercountry adoptees coming through its service. It is not funded very well to do that. So I think logically it seems a very good central organisation to carry that out. That would be my feeling as it already deals with these sorts of issues.

CHAIR—We heard in Tasmania that they have started to introduce courses there and, I understand, more broadly too to assist parents in the early stage when there are problems of connection for the child. Some children have gone through a period in their life when there was no response to what they cried out for in terms of their needs, and they have gone inward—and so there are attachment issues. Is that the sort of thing those other problems arise from, do you think?

Dr Burns—I believe it is much broader than attachment issues. A lot of these children have come from very disadvantaged countries where substance abuse is very prevalent. This creates some neural problems for these children—learning disabilities and hyperactive behaviour that is very longstanding. Certainly attachment is part of it, but there is a syndrome which arises from being institutionalised for a number of years that is very longstanding and requires a lot of assistance. Families who are managing those children are very greatly in need of support and assistance to do that.

CHAIR—Does it happen more with one country than another?

Dr Burns—Obviously our survey is not random, so we could not really give reliable estimates. Some children have been institutionalised for a long time, a number of years, like the Romanian and Thai children who generally come through at older ages. It is probably not country specific; it has a lot to do with how long the children actually spend in institutions and, as I mentioned, substance abuse and the amount of prenatal care that a woman has had during her pregnancy, whether she has used drugs—which obviously is correlated with disadvantaged societies.

Mrs MARKUS—What about access to mainstream services? Is it part of the issue that mainstream services may not have the expertise and understanding of the complexities that children from overseas may be facing, or is it that you are competing with other families in the mainstream?

Dr Burns—I believe that it is both. In terms of specific services, there is a post-adoption clinic at Westmead Hospital. I recently spoke to someone who had come back with their children and they could not get in until next year. It has a six-month waiting list. That is where parents will bring their child to have a full physical assessment. They are very familiar with adoption issues in that clinic, but there is a very big time lag in actually getting in. In terms of the mainstream services, there is very little understanding about how adoption impacts on a child's life and obviously the life of the child's family. I have spoken to many people who have been from pillar to post trying to find someone who adequately understood the issues that they were facing.

Mr O'Reilly—I think that it is reasonable to assume that most adoptive families have at some point tried to access mainstream services. Their individual experiences will of course be known to them, but I will speak from personal experience. We have two children from Korea—two boys. In accessing mainstream services, which we have done, you do not particularly find—no offence being intended—that, as Dr Burns said, there is any real understanding. The recommendations that might come from those professionals can be inappropriate. They have not really grasped the situation. Anecdotally, that is what you would find with other people as well. People do access mainstream services and do not get anywhere.

Mrs MARKUS—Have you come across situations where the right kind of help has been sourced, and what kind of help has that been?

Dr Burns—When I think back on my history with ASIAC, where I have been involved for about 10 years, people who have spoken to me have found it not through any sort of mainstream services but more through particular groups that they are affiliated with, like spiritual groups. They are getting information that way, or through some community centres, I suppose. But it has been very hard finding somewhere that could address their issues.

Mrs MARKUS—So in an ideal world, what would a service specific to providing that ongoing post-adoption support look like?

Dr Burns—That is a big question. Obviously there is parental education before the child comes to live with the family. There is no equivalent to an antenatal service for these families. My children were older when they came to live with us, but with people with younger babies, I understand that it has been difficult trying to figure out how to manage a young baby.

Dr Schilz-Middleton—Yes, it has. Most of them basically rely on meeting up with others within their own playgroups. We have a Korean playgroup and we encourage everyone to come when they are considering adopting. We also encourage them to come later, once they have come home with their babies. It is through talking with the other mothers about what issues they have and what they have encountered—in terms of diet or whatever—that they are able to find some answers. Your question is a very big one and I do not think we have put our thinking caps on about that.

Mr O'Reilly—It may be that market forces are a big issue here. If no-one is professionally trained to deal with this, no-one will be out there in a professional capacity advertising their services. So it is a cart and horse kind of situation.

Mrs MARKUS—I think you have to start somewhere if you are going to initiate something that has not been developed before. My thinking is that maybe there should be a multidisciplinary team.

Dr Burns—I would agree with that.

Mrs MARKUS—That team would be able to make assessments and maybe it should be a little mobile. They could do a little bit of evaluation and research along the way and establish best practices in responding to this unique group.

Dr Burns—A lot of these issues seem to be raised in the country regions where there are far fewer services. The mobile nature of that team would perhaps meet those needs.

Mrs MARKUS—Maybe there should be a pilot program or something.

Dr Burns—Definitely.

CHAIR—In your original submission you said there would be benefits in the Commonwealth taking a more active role in intercountry adoption, particularly in the investigation and establishment of new programs. I take it that when you said 'new programs' you meant new countries?

Mr O'Reilly—Yes.

CHAIR—What would you see the greater involvement being?

Mr O'Reilly—It could be in a number of areas but partly it would be in the administrative area. If we are looking at the inconsistencies between states, the federal government does not have an overarching role in this. So, as has been pointed out in many submissions, there are different programs and different bilateral agreements entered into by different states.

CHAIR—Since the Hague convention, from what I can see, the only new agreement that has been completed is the one with China. That was negotiated by the federal government. The other agreements almost seem to have arisen from agency to agency arrangements and then have been taken over by state bureaucracies to administer. As I said earlier in the day, after ratification of the Hague convention an MOU was entered into by the Commonwealth with the states. That

basically handed over the authority to administer their central agency task—so much so that there seems to be only one person who has anything to do with it at the federal level. I agree with you that there has been far too much of a hands-off approach to it. We have a situation where the jurisdiction to establish a relationship between parents and children belongs to the states but the responsibility for visas and making citizens is a federal responsibility. Of course, it is the responsibility of the federal government to enter into treaties and ratify them and so on. So it does seem to me that there is a bigger role, but I am interested in knowing what you think it might entail.

Mr O'Reilly—As you just detailed, the paths between the states and the federal government tend to diverge rather than converge and recognise the different jurisdictions. It would be better if they could come together.

CHAIR—We have the COAG process, where things can go on the agenda and the Commonwealth can work with the state governments to bring about more harmonised outcomes. But we certainly would not want to all go to the worst standard.

Mr O'Reilly—There probably needs to be a greater administrative role played by the Commonwealth government—without necessarily always taking over every part—in order to have greater consistency and greater understanding between states so that you do not have different states with different programs. That is what we were getting at here.

CHAIR—What they have is the lead role as distinct from responsibility. Whereas Victoria has responsibility for China, Tasmania told us last week that they do not talk to Victoria anymore; they send their files direct to China. There is no reason why they cannot, actually.

Mr O'Reilly—True.

CHAIR—These are the areas in which we do need quite a bit of tidying up of the way you appeal.

Mr O'Reilly—I understand as well that New South Wales is the lead agency for Korea and supervises or administers what is to happen in every other state.

CHAIR—We have it on a ready-reckoner. I have to keep looking up to see who is responsible for which. The other thing that I think is particularly important to us is looking at the question of delays and where they occur. I guess each parent who is adopting chooses the country to which they want their file sent.

Mr O'Reilly—In a manner of speaking, yes.

Dr Burns—That is right, as long as you meet the guidelines of that particular country.

CHAIR—Yes, but you make that choice. Most of our children from overseas are now coming from China.

Dr Burns—Yes, but if you wanted to go to Taiwan, for example, and you were not a practicing Christian who had been married for a certain number of years, you could not do that.

Mrs Clark—And if you are less than 30, you cannot go to China. I am unable to adopt from China.

Mr O'Reilly—There are lots of particular restrictions in each program but, yes, allowing for those restrictions, you are able to choose a program.

CHAIR—As long as you meet the criteria.

Mr O'Reilly—Yes.

CHAIR—Having done that, you cannot switch either.

Mr O'Reilly—You can, and people do, but that does not reduce or remove delays or barriers in any way because usually, if you go from one program to another, which people have done, you then have to get in line in the other program that you have just been sent into.

CHAIR—I have asked this question of others: did you ever think about fostering an Australian child here?

Mrs Clark—We certainly did. There were two reasons why we did not. DOCS insists on a two-year age gap between children. Our son is currently two years and nine months old, so maintaining that 24-month age gap could have created problems. We looked more at the permanent care and not foster care. DOCS has these new permanent care orders whereby a child needs to be away from their biological family until they reach adulthood. Let us say that the mother or father got their life on track. They could appeal that decision five or six years down the track. For us, having a child already in our family, we did not feel that we could give our son a sibling and then have that sibling taken away. If it was just us, we would certainly consider taking in a sibling group and, if they all went, we would deal with the grief, but we did not want to impose that on our son.

CHAIR—Good point.

Mr O'Reilly —We did not consider fostering as a viable option. We did look at it, but the obvious reason for that is that my wife and I were seeking to form a family. We are unable to do so biologically, so we chose to form a family through adoption as the most viable alternative. In our view, fostering does not provide that.

CHAIR—One of the things that has come to our attention is that less than 100 Australian children are adopted every year but there are thousands who are fostered. Some of those were before respite care, which is one thing, but a lot of them need permanent homes.

Mr O'Reilly —That is exactly right.

Mrs MARKUS—You made a comment in the submission about enhancing the involvement of the existing community parent support groups in determining adoption policy. How would you see that expressed practically?

Mr O'Reilly—The particular recommendation is that there be an enhanced involvement of existing community and parent support groups in determining adoption policy—that is, a two-way street, the glass which is half full or half empty. We do not particularly have a role in that at all, so getting to the table would be good. We think that our voices, firstly, need to be heard and, secondly, would be constructive. Additionally, we think that, administratively, the Commonwealth and the states could have, through means already there or other means, greater cooperation so that things are dealt with in a more open environment and a more consistent atmosphere. The idea is that we tag onto that so that parent support groups, adoptive groups or whatever, may appropriately have a role in that. That is essentially the idea—that there is a greater involvement between the states and the Commonwealth to streamline and improve the processes. I do not see any reason why parent support groups, as has been pointed out in post-adoption areas and other areas, carrying the can a lot of the time and providing the experience, cannot have a voice at the table.

Dr Schilz-Middleton—We are on the New South Wales Committee on Adoption and Permanent Care. There is only one organisation, ASIAC; I think AFC is the other one. We would like to see more representation from parent support groups on that committee. I have been to a number of the meetings. It is very skewed towards fostering and local adoption, and we feel that we need to have a bigger voice on intercountry adoption. I am aware that the committee made a submission, but I certainly have not sighted it as the intercountry representative on the committee, so I did not know what was in their submission. That is just a point of interest. I am aware that they are here today to talk about it, but I thought I would just make that point.

Mrs MARKUS—If a national approach or lead was taken by the federal government—for example, there was a policy advisory committee—who would you include and not include on that? You may not be prepared to answer the second bit.

Dr Schilz-Middleton—There are quite a few parent support groups, as you would know, and I am seeing it from that perspective. That is a very big question that I would have to think through, and I do not have the answer off the top off my head, to be honest. To some extent we have a fairly good rapport with DOCS. We endeavour to have as many parents as possible who have just travelled talk to DOCS and express any of their concerns. We have a fairly good communication channel with them. I do believe that it would be quite a positive step forward if, somewhere along the line, there could be more involvement of parent support groups, such as our own, in terms of their policy or their processes. Are you talking about a national advisory committee?

Mrs MARKUS—It is all hypothetical at this stage.

Dr Schilz-Middleton—We have not thought that through.

Mr O'Reilly—It if it were the case, obviously there would be criteria but I imagine that there would be whatever is workable—two or three groups from each state, perhaps, or if it is a state group, there would an advisory group, as you said. I imagine that this process that we and you are undertaking has identified key lobby groups, parent support groups or whatever. Arguably, you have the formation of an answer right there amongst the groups that have put in submissions, have appeared, or both. From looking at transcripts and following it, we have seen

that there are a number of them. You might get anywhere between five and 10 key groups in each state, but probably five is reasonable.

Dr Burns—The adoption arena probably needs to be broadened to include specialists in child development and a broader generic approach as well. Otherwise it just gets too insular, and you will have the same issues reoccurring. There needs to be a broader think, firstly, about what that would do and, secondly, about the sorts of stakeholders you would have. It would have to be broader than the situations you already have; otherwise it would just be creating the same thing at a federal level.

CHAIR—That is a fair comment. Thank you very much for coming. I note that you are members of the next group we are going to hear from. It has been a great pleasure.

[2.30 pm]

CANDLIN, Ms Angharad Elisabeth, Vice Chair, New South Wales Committee on Adoption and Permanent Care Inc.

WEST, Ms Jane Rowan, Chairperson, New South Wales Committee on Adoption and Permanent Care Inc.

Witnesses were then sworn or affirmed—

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

Ms West—I am also principal officer for Anglicare adoptions.

Ms Candlin—I am also principal officer of Centacare adoption services.

CHAIR—You must have had an annual general meeting. You have signed as chairperson.

Ms Candlin—Yes, we have. The submission was made before the AGM.

CHAIR—Perhaps you might start by telling us just how this committee was formed and when it was formed.

Ms Candlin—The Committee on Adoption and Permanent Care?

CHAIR—Yes.

Ms Candlin—It was first formed back in the mid-sixties as a response to the Adoption of Children Act 1965. It has been going ever since. The committee is a non-profit organisation with membership comprising government and non-government agencies, support groups and individuals interested in, involved in or affected by adoption and permanent care or related issues. It has a number of working parties in terms of getting things done. One of those is the Legislative Review Subcommittee, members of which wrote the submission. There is a core group of people who are part of that subcommittee, but it changes from time to time and anybody is welcome to put their hand up to be part of that if it is an area of interest to them. All submissions that are written by the Legislative Review Subcommittee are tabled at the committee and the minutes are then distributed to everybody.

CHAIR—I notice that, on the approval process, your submission—and I will read it because it is rather a strange thing to say—states:

It is difficult to address the issues pertaining to this Inquiry when the terms of reference are very broad and there is no additional documentation on the key points of concern. Even for professionals working within the adoption field there is no readily available summary of the specific approval processes in the different states and territories and it must be

acknowledged that such professionals work largely within the parameters of their own state legislation. It would have been helpful if, as is the case for all other Inquiries, that a discussion paper be provided.

I might tell you here and now that discussion papers are not provided by committees when we are doing this sort of work. We do advertise it widely. We ask for submissions. We publish all the submissions on the web site, to which everybody has access. We are seeking the information because, by your own admission, what is available is very limited.

Ms Candlin—Our experience is that there usually has been something a bit broader to go on when we have been writing submissions.

CHAIR—For what? Have you appeared before?

Ms Candlin—For a variety of things, yes. We have prepared documentation—

CHAIR—But have you appeared before a standing committee of the House before?

Ms Candlin—The New South Wales house.

CHAIR—No, a federal standing committee.

Ms Candlin—No.

CHAIR—You have said that there is no ready material available, which in itself is I think a statement that there is very little transparency in this whole area of adoptions. It is what you might call, in some respects, a bit murky.

Ms Candlin—Yes.

CHAIR—We hear again and again that people are afraid to come and speak out—we have had some people withdraw from being witnesses—because they are frightened that either DOCS or its equivalent in other states might lose their file or come in heavily on some other aspects and they feel it has a very punitive nature. So, while I am asking when you were established and what your function is, I guess since its formation in 1960 its function has changed very dramatically. What would you say the function that you have is presently?

Ms Candlin—I am not sure that its function has changed hugely dramatically. I think there have been some significant changes within adoption. But the committee has always been there to lobby for change, to work collaboratively, to work towards improvement in adoption practice and to inform the general population about adoption and the issues surrounding adoption.

CHAIR—I find that a bit of a worry too. We heard in the community forum from someone, who came here very passionately, who feels her life was destroyed and knows of many others who feel that too, that that was a practice of the sixties when girls were said to be bad, wicked and were punished by people like the Catholic agencies and other church agencies. So, if you are telling me things have not changed since then, I have a big worry.

Ms West—There has been a huge shift in practice. One of the roles of the committee has been to address the ills, the ramifications and effects of past practice in a way that ensures that all players, including the law makers, make law and provisions in such a way that the child's rights and best interests are upheld above and beyond anything else. Enshrined in current legislation is that adoption is a service for the child.

CHAIR—Do you have a knowledge of fostering?

Ms West—Me personally?

CHAIR—Or does the committee?

Ms West—Yes, most definitely. Personally, I have not worked in out-of-home care professionally but I have had a lot of interface with it in this current position and in previous positions. So I have some understanding of how the out-of-home care system works, but I cannot speak from a specialised professional point of view on that.

Ms Candlin—We do have members of the committee who work specifically in out-of-home care.

CHAIR—I think in 1973, which was the peak year for adoption in Australia, 9,000 children were adopted. In this last year there were fewer than 100 and that has been the case for a long time. But there are thousands and thousands of children who are fostered. You have heard from parents here why they have chosen the overseas adoption route—because they really do not want to face the fact that the child can be taken away.

Ms Candlin—I have written a note to myself—and I am glad you have asked that question—because I think there is a lot of misinformation out there about adoption and about foster care. I work very closely with the foster care teams at Centacare. Certainly the long-term foster care team is called the permanent family placement program—it is about placing children permanently. The idea that a child might be—

CHAIR—Before we go there, there is still the possibility of the biological parents intervening and taking them back—yes or no?

Ms Candlin—In reality, it rarely ever happens.

CHAIR—Can they or can they not?

Ms Candlin—It cannot be answered with a yes or no because that is misinformation again and that perpetuates what is out there in the community.

CHAIR—But you are trying to tell me that 'permanent' means permanent.

Ms Candlin—Generally it does.

CHAIR—'Permanent' to me means that it cannot be interrupted.

Ms West—I think what we have to take into account—

CHAIR—So in that sense it is a misnomer; I am sorry.

Ms Candlin—No, it is not. I cannot guarantee that that would never happen. The reality, though, is that it hardly ever happens. If a child is placed permanently until 18, then they are there permanently until 18.

CHAIR—With or without intervention.

Ms Candlin—What do you mean?

CHAIR—How many social workers come by? How many times does the biological parent have the right to intervene—to come and visit and take part in decision making?

Ms Candlin—Birth parents are involved in visiting and access. That is the same as adoption.

CHAIR—No, it is not the same.

Ms Candlin—Absolutely it is. There is openness in adoption—in local adoption—

CHAIR—There can be openness if the orders are made that way.

Ms Candlin—No. The legislation is very clear about adoption and that is that openness is seen as being the practice for adoption.

CHAIR—We have eight pieces of legislation.

Ms Candlin—I can talk about New South Wales.

CHAIR—We have another seven.

Ms Candlin—I think that is an issue. I do think that is a problem. In New South Wales the legislation is very clear that openness is fundamental to adoption practice.

CHAIR—But again we are using words with dichotomies of meaning. ‘Openness’ can mean transparent; it can mean that it is a good clean process. ‘Open’ can mean that provision can be made that children are to be told, to be given knowledge such as background knowledge, or it can mean that the whole thing is open to intervention and is no longer, shall we call it, a normal family such as the one you or I might have created where people cannot come and intervene.

Ms Candlin—Openness in adoption means it is fundamental. Children who are adopted know that they are adopted—it is talked about. Openness in adoption can be on a spectrum from letters and photos through to meeting several times a year. But it is the same with foster care, depending on the situation. In foster care you might have meetings four times a year—say, in the school holidays with a worker, the foster parents and the birth parents. It would be the same with adoption.

CHAIR—What of your experience, Ms West?

Ms West—I would uphold and agree with everything that Angharad has just said. I think really we have to take into consideration the law and the legal processes here.

CHAIR—We happen to be law makers and we are in the business of changing it if it is bad.

Ms West—Yes, but I think you will find with the current adoption legislation which was proclaimed in February 2003 that not only are the openness provisions upheld but there is now what is termed an adoption plan. That plan is made with the birth parent or birth parents just after the placement is made, but the kind of formal basis and contract for that is done with the birth parent or birth parents at the point at which the consent is signed. I hasten to add here that the preparatory work for the adoption plan has been done with the birth parent or birth parents well before—

CHAIR—How many adoptions were there in New South Wales last year?

Ms West—I do not know that my memory serves me very well here.

CHAIR—Five, 10?

Ms West—No, more than that.

Ms Candlin—AIHW stats have not come out yet.

Ms West—No, they have not come out. But I can say that last year—

CHAIR—How many the year before?

Ms West—I think it was 42 or 43 statewide, but I can speak very specifically to our placement rate.

CHAIR—How many of those were to other family members?

Ms West—We do not manage kin adoptions at Anglicare or Centacare.

CHAIR—But they would be counted in that number.

Ms West—Yes.

Ms Candlin—All forms of adoption would be counted in that number.

CHAIR—Do you think there is likely to be a swing around and people are going to consider that adoption is a better option than fostering?

Ms West—When you work in a specialist area you are very aware of practice issues and what professional people think and, in a way, I am a little removed from what the public thinks. But

there would be agreement in our field that permanent planning serves the child very well. You will find amongst the providers that there is a strong belief in adoption and particularly permanency for children who, for some reason or another, cannot be raised within their original families.

CHAIR—But there is this ethos that, if possible, the child should always go back to their original family—and we have had a terrible case happening in New South Wales.

Ms West—Absolutely. With respect, I have worked at the hard end of things. For a long time I worked in early intervention, where there was a strong child protection component, and I have seen the disastrous effects of children being shuffled from short-term care back to their families. There is that whole shuffling effect, which activates the child's attachment system in ways that are damaging for their development, their attachments later in life and their capacity to form intimate relationships, just generally speaking, in adulthood. I do not support that at all, personally or professionally. There will always be a small percentage of children who will benefit from adoption more than other forms of permanent care, and I wholeheartedly support the permanency planning bill. I think that, in the work we do, things need to be worked out on a case-by-case basis, so I cannot—

CHAIR—But you have said it yourself: there is a pervasive anti-adoption ethos. You have just said it.

Ms West—I do not think you would find it—

CHAIR—You said in a small number of cases adoption might be better.

Ms West—But when you think about the number of children in care—

CHAIR—Thousands.

Ms West—Yes, I realise that.

CHAIR—Thousands.

Ms West—I realise that. I think in a way you are preaching to the converted, in the sense that we all feel a burden of responsibility to those children. But in percentage terms—

Mrs MARKUS—Are the parents of children who are placed in permanent care routinely or at some point in time asked to consider releasing them for adoption?

Ms Candlin—I am glad you have asked that. Yes, there are thousands of children in out-of-home care. A huge proportion of those children are in—

CHAIR—There we go again—it is euphemisms. Out-of-home care is supposed to be nice and warm and fuzzy and what it is really is awful.

Ms Candlin—I do not like the term either, but that is the term that we have at the moment, so we are using it.

CHAIR—But that is what we are into, aren't we—euphemisms: 'Let's make it all sound nice'?

Ms Candlin—If I can finish what I was going to say, there are thousands of children in out-of-home care, foster care or whatever you want to call it. Quite a considerable proportion of those children are in respite care, temporary care or whatever. Certainly we would like to be able to move a good proportion of those children who are in long-term foster care through to adoption. The issue for us—certainly at Centacare and I am sure for Jane at Anglicare as well—is resourcing of that. I am not resourced to be able to move those children through to adoption.

CHAIR—What do you mean by 'resourced'?

Mrs MARKUS—What would you need to be able to do that?

Ms Candlin—We need considerably more funding. We need about four or five—

CHAIR—Don't you need policy?

Ms Candlin—No, we do not need policy. The policy is there. We would say, for children who can be adopted, we would want them to be able to move through to adoption—and for a large number of reasons. The first is that it offers them absolute permanency and stability; and, secondly, identity-wise, the children feel they are very much part of that family. And the other reason is that, if they move into the adoption program where we can offer them specialist post-adoption support, it frees up the out-of-home-care teams to assist more families where those children are coming into the system. But the problem is that we do not have funding at the adoption end to be able to move those children through. So it is not about policy; it is absolutely about dollars.

CHAIR—I am sorry, but funding is a reflection of policy. If the policy is, 'We are anti-adoption,' then money will not come for adoption purposes.

Ms Candlin—If the policy and the feeling in the government are anti-adoption, then that is where it sits. In terms of the agencies, that is not the case.

CHAIR—But in the government department it is there.

Ms Candlin—I do not think that it is there. We work closely with DOCS, and I think it is an issue of resourcing—

CHAIR—So all the people who have come and told us that there is are all wrong?

Ms Candlin—I have not heard what everybody has said today, but I know we work collaboratively with DOCS here in New South Wales—

CHAIR—Like you, they all took an oath today and they have all given that testimony, and you are telling me that they are not telling the truth.

Ms Candlin—No, but when you work within a system—

CHAIR—You do not see it?

Ms Candlin—No, absolutely you do see it, but you see a broader picture. I see them being stuck for resources at DOCS as well.

CHAIR—It is like people, when discussing politics, saying ‘I do not know anybody who voted for so-and-so,’ because all their friends think the same way.

Ms Candlin—But I think there is a huge resource issue in moving those children through from permanent care to adoption.

Mrs MARKUS—So, clearly and simply, what resources would you require to do that?

Ms Candlin—Five new workers.

Ms West—More positions.

Ms Candlin—More positions, absolutely.

Mrs MARKUS—And those people in those positions would approach the biological parents and work with them so that they would release their children?

Ms West—Absolutely. They would do the work.

Ms Candlin—Or we would be able to go to the Supreme Court for a consent dispense order in those situations where we could or we would work with the child for them to be able to give their own consent. But at the moment we cannot even do the work that we have, let alone be able to move them through. We did one permanent care to adoption last year.

Mrs MARKUS—Have those resources ever been asked for from the government?

Ms West—Yes, absolutely.

Ms Candlin—Yes, we have them under review at the moment and we have asked for them repeatedly.

Ms West—When I first stepped into the position of principal officer for Anglicare just over three years ago, one of the first things I did was write a submission to the Department of Community Services for increased funding.

Mrs MARKUS—When was that?

Ms West—I made that submission in November 2002 and I asked specifically for at least one position to manage older child adoption—to facilitate placement through adoption with permanent families of children who were older and could not be raised in their families for reasons of neglect and abuse. I feel very strongly about this matter.

Ms Candlin—My submission was made in August 2002 and Bernardos made a similar submission in 2002. Our submissions were only responded to at the end of last year.

Ms West—And we had to chase the response.

Ms Candlin—We are now going through a review—that is the response.

Ms West—We did not receive any formal receipt for those submissions and it was only through chasing different contacts that we got formal recognition and a review.

Mrs MARKUS—In some countries, where there have been incidents of abuse and neglect, there is legislation that sets time limits on parents getting their act together and meeting certain requirements and if they have not done so within a certain time—it could be two or three years—their children are automatically released for adoption. Do you consider that system could work?

Ms Candlin—I think we would need to talk to the legislative review. Because we are here as part of the committee, I am aware of not wanting to answer such questions without talking it through thoroughly with the review. But it is certainly an area to be discussed. I think all of those things are valid for discussion in looking at the best possible outcomes for children.

Ms West—One of the main focuses of the Committee on Adoption and Permanent Care is to work for strong beneficial outcomes for children who are in the care system. One of our primary roles as a peak body is to lobby and advocate for good outcomes for children, because we understand the importance of early experience and its correlation with development and transition into prosocial adults and adulthood.

CHAIR—For the record, our last witnesses said that they were members of your committee and they had never seen your submission. I do not see their names listed on it.

Ms Candlin—I am not sure why that happened. Everybody should have seen a copy of the submission.

CHAIR—But you do not even list them.

Ms Candlin—As I said, people are invited to be part of that subcommittee. I am not sure what has happened. We would need to talk about it.

CHAIR—There are the names of the contributors.

Ms Candlin—I can tell you; we have it here.

CHAIR—I have it here too; I am just looking at it. That is it, isn't it? It is a two-page submission which spends most of its time saying, 'You haven't given us the information for us to give you.' It is very strange.

Ms Candlin—We have prepared a statement for today, if you would like to hear that.

CHAIR—Yes, I would, very much.

Ms Candlin—First and foremost, adoption is a service for children, not for adults wishing to acquire the care of a child. Therefore, all policies, procedures and criteria should reflect the best interests of children. It is of significant concern to the committee—when I say the committee I mean the Committee on Adoption and Permanent Care—that there are such vast differences in the criteria both between states and between domestic and intercountry adoptions. With this in mind, the committee states at the outset that the very wording of the frames of reference of the inquiry do not necessarily acknowledge the best interests of children as the primary focus. Specifically, with the comment how the Australian government can assist Australians who are adopting or have adopted children from overseas countries, the committee believed it would have been far more appropriate, for example, to state how can the Australian government better assist children who are being or have been adopted into Australian families.

The committee also wonders why the inquiry is only focusing on intercountry adoption and not the best interests of all adopted children, both domestic and intercountry. Many of the issues that the committee will raise today reflect issues in domestic adoption as well as intercountry adoption. We would therefore urge the government to consider adoption practices holistically.

The committee is aware that, in the intercountry adoption arena, the overseas countries themselves all have their own criteria. The committee understands that each country has the right to decide who is able to adopt their children and we absolutely respect that right. Within Australia, however, there are many inconsistencies between the states. This is confusing not only for all applicants but for the overseas countries themselves. It has the potential to create an atmosphere of competition and opportunistic behaviour by prospective adoptive parents who attempt to move between states according to the criteria that best suit them. The fact that one country has multiple criteria lacks professionalism and is at odds with the notion of the best interests of the child.

The areas of inconsistency within eligibility criteria which we believe should be standard across states and for both domestic and intercountry adoption are these. Australian citizenship for at least one applicant. The age of the applicants: this again is about the needs of children and adopted children have the right to come into a family where medical opinion, all things considered, is that they are able to see their child through to adulthood. Children who are adopted already have a profound loss and the risk of a parent dying during the child's childhood or adolescence is great—the ABS statistics regarding the age of parents should be used to give an average age of parents in the Australian community. The length of relationship and marital status: the committee believes that couples should have been married or have been in a de facto relationship for a minimum of three years to establish the relationship and demonstrate stability, which is a significant factor for the child's future. We further notice that the discrepancies in the legislation between the states with regard to single applicants are discriminatory. The number of children already in the care of applicants: in keeping with the premise that adoption should always be in the best interests of the child, the applicant must be able to meet those needs and the committee is concerned that applicants who have multiple children would not on a purely practical basis have the time to meet the additional needs of an adopted child who has a different culture and pre-existing loss experience, with the subsequent impact this will have on the child's ability to attach to the adoptive parents. The committee for similar reasons has concerns about families adopting multiple children from multiple countries of origin. The level of court: the

committee notes that the jurisdiction for adoption orders varies from state to state. Adoption is the most legal form of alternate care for children, and the committee believes that such a significant order should be made either in the Supreme Court or in the Family Court.

With regard to benefits and entitlements: the committee has concerns about the wording used in the terms of reference with regard to 'their own birth families and those provided to families from overseas'. If we are truly to consider the best interests of children there should be no difference between the government's assistance to families whose children are born to them or adopted by them. Similarly, we believe that entitlements to leave, whether maternity or adoption leave, should be consistent and in fact should be expanded to take into account those families who take the permanent foster care of a child.

CHAIR—Thank you very much. Would you mind letting us have that as your substantive submission?

Ms Candlin—Sure. Perhaps I might comment on what somebody said previously—I just wrote it down. There has been a lot of talk about adoptive parents' preparation for adoption. We believe that it is absolutely vital and agree on the need for it. At the last adoption conference last year in Adelaide, Centacare presented a paper called 'Walking in somebody else's shoes'. It was about the preparation model for adoptive applicants and significant things to be considered. We would be happy to give you a copy of that. In addition, with regard to post-adoption support, we would absolutely agree that there is not enough post-adoption support out there in the community and that other counsellors and therapists who are out there in the community do not understand adoption. I would say that there is a need for resourcing to educate them in the profound impact of adoption, both domestic and intercountry, on those children and families.

CHAIR—I have become familiar with hearing all sorts of points of view from people claiming that they do everything in the best interests of the child. Usually it is a question of taking the statement and putting your spin on it. We have just heard your version. Do you think that adoption is a legitimate way of forming or adding to a family?

Ms Candlin—Yes.

Ms West—Yes.

CHAIR—I think I am coming to the view that a child has a better chance in life if it has a permanent and identifiable family to call its own.

Ms West—Because that gives the child predictability and we understand—

CHAIR—But that is not what is happening—

Ms West—No.

CHAIR—because all your evidence has been about pro-fostering and anti-adoption. So there are a few issues we have to resolve.

Ms Candlin—I do not think it has been about anti-adoption.

CHAIR—I am sorry; pro-fostering, to the degree we have it, is the pendulum's response.

Mrs MARKUS—Just to clarify: do I hear correctly when I understand you to say that you certainly would like to contribute and work closely to increase the number of permanent care placements where children would become part of another family by adoption?

Ms Candlin—Yes, for those children who are suitable.

Mrs MARKUS—And that one of the challenges you face is that the state government has refused to fund your attempts to do that or has not responded to your applications to this point?

Ms Candlin—Yes.

Ms West—It is more the latter.

CHAIR—But there is a big difference or distinction between this permanent placement concept and adoption.

Ms West—There is.

Ms Candlin—Yes, there is.

CHAIR—There is a huge difference.

Ms Candlin—But that is not to say that children who are permanently placed do not stay there permanently.

CHAIR—There is a huge difference; I make that point.

Mrs MARKUS—The availability and the willingness of parents to take on somebody as a permanent placement vis-a-vis a child they can adopt to form part of their family is very different. How parents feel about that has been well communicated here. They prefer the latter option: a child who is available for adoption with whom they can work through all the challenges to be faced, with the arrangement being 'permanent' legally and not to be challenged.

Ms Candlin—Yes. To clarify what I mean by 'suitability', if we need to make a consent dispense order, a small part of the New South Wales legislation needs to be amended to make it easier for us to assist with those children. At the moment the limitations around consent dispense orders are quite strict. We may have children in permanent foster care who are not able to move through to adoption because it would be difficult to gain a consent dispense order in the Supreme Court as it does not necessarily fit the legislation. So some legislative things need to be amended also to make it easier for us.

Mrs MARKUS—Which confirms that it is not policy, so it is not supported.

CHAIR—That is right, it does. I thank everyone very much for attending today and for taking the trouble to bring their evidence before the committee. I also thank Hansard who always perform fantastically for us.

Resolved (on motion by **Mrs Markus**):

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 3.05 pm