



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Reference: Adoption of children from overseas

MONDAY, 17 OCTOBER 2005

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON FAMILY AND HUMAN SERVICES

Monday, 17 October 2005

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

Members in attendance: Mrs Bronwyn Bishop, Ms Kate Ellis, Mr Cadman, Mr Fawcett and Mrs Markus

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 11.06 am

CHAIR (Mrs Bronwyn Bishop)—I declare open this public hearing of the House of Representatives Standing Committee on Family and Human Services for its inquiry into the adoption of children from overseas. This inquiry has attracted considerable national attention. We have received over 250 submissions to date, the vast majority of them from parents and couples who wish to start or add to their families and help orphaned or abandoned children from overseas. The committee has already taken evidence in Queensland, Victoria, New South Wales, Tasmania and the Australian Capital Territory and has visited an adoptions unit while moving around the country.

The committee is very pleased to be in Adelaide today. This public hearing allows the committee to meet with state government representatives, individuals and key international adoption groups. We welcome all those preparing to give evidence today, including the South Australian government. Copies of the witness submissions are available on the committee's web site.

At 12 noon there will be a community statement session. 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. We only require their first name to be given, if that is their wish. All are welcome.

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 anyone would like further information they can speak to one of the members of the committee staff.

[11.07 am]

POTTER, Mrs Danielle Rae, Private capacity

POTTER, Mr Michael David, Private capacity

Witnesses were then sworn or affirmed—

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

Mr Potter—We are private citizens making a presentation on adoption. We have two adopted children from Kenya, so we are very interested in this topic.

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

Mrs Potter—Yes, and thank you for the opportunity to speak today. When I was little I dreamed of marrying my prince and of having two children—a girl first and then a boy—and of living in a quaint little cottage in a lush, green valley in the corner of the country. That was how I would have been content to spend my life. I did marry my prince and we have been together for over 20 years now, but the rest of the dream did not turn out quite like that.

I discovered a second love, and that was the continent of Africa, especially Kenya. Leaving family and friends as a young 23-year-old, I began an amazing African adventure. Kenya is incredibly beautiful. It is a land of contrast—physically, culturally and socially. One cannot help but be stunned by its beauty, inspired by its harshness and challenged by its people and the desperate state that so many of them live in. On this journey I met a wonderful couple named John and Esther Green, who were founders of Testimony Faith Homes, as mentioned in our submission.

Esther is a wonderful, gracious Kenyan lady who became my African mum. I watched as she welcomed orphans into her home with unconditional love. There was no question of her acceptance of them, no matter what circumstance led them to her door or what condition they arrived in. She embraced the hurting, the unlovely, the sick, the lonely, the abandoned, the discarded and the lost—any child who needed a family and had been orphaned by one of the myriad circumstances that haunt African children. She mothered over 40 children in her home at any one time and is a mum to well over 300 people. And she chose to mother me. I sat with her at her kitchen table peeling potatoes and shelling peas, chatting about all those things mums and daughters chat about. It was a natural and very rich relationship. I watched her raise her children. Those at Testimony who were near my age became my brothers and sisters, and the younger ones became like cousins to each of my children as they were born. This fantastic woman inspired me to find room for just one more in my own family.

My adoption journey began when, after our third child, Haylee, was born, I gave all our baby things to New Life Homes, the centre mentioned in our submission, which was established to

provide a response to the increasing number of abandoned or HIV babies in the Nairobi region. It was there we met and fell in love with Daniel. How does one fall in love with a child to whom one has not given birth? How does that incredible bonding take place? How do those intricate and intimate times that knit a mother and child together become woven? I am not sure that I understand either the biology or the psychology of such an event, but I do know that Daniel stole my heart and became my son. He also captivated the hearts of my three children. Daniel spent a weekend with us when he was about four months old. After returning to New Life Homes on the Sunday evening, we tucked our children into bed and Ben, then four, asked, 'Is Daniel my brother or not?' There was no question in the hearts and minds of Leah, Ben or Haylee that this was anything other than a natural joining of another child to our family. Two years later, we met and loved James and, again, the transition was a simple one. Our five children are quite stunning, and I love each one of them.

CHAIR—Thank you very much. Michael, do you want to add to that?

Mr Potter—Certainly. Recently UNICEF released a report that indicated that there are now almost 900,000 children in Kenya alone who have been orphaned by AIDS, and this figure does not include children who have been orphaned by poverty or war or those who have just been abandoned. These figures are obviously mirrored in lots of African countries. I have also been reading recently the United Nations Convention on the Rights of the Child. I have looked through it, and it has been easy for me to tick off all those things for my five children—an inherent right to life; survival and development; the highest attainable standard of health and facilities for the treatment of illnesses; a standard of living adequate for the physical, mental, spiritual, moral and social development of each child; the highest attainable standard of education; the development of personality traits and mental and physical abilities to their full potential; rest and leisure; play and recreational activities; the access to and involvement in cultural and artistic activities; freedom, justice, peace and dignity; a family, in an atmosphere of happiness, love and understanding; and protection from all forms of abuse or exploitation.

Having lived in Kenya for 12 years, I have found that the reality is that there are now 900,000 children who do not have the opportunity of experiencing any of those rights that we take for granted here in our country. The overwhelming majority of orphans in Kenya will live on the streets. Many die due to starvation, sickness and abuse. The rest are abandoned to the degradation of the streets, where they live malnourished, sick, addicted to glue sniffing and other debilitating and life-threatening drugs. They are sexually, emotionally and physically abused. They are illiterate and they are reduced to begging and stealing to survive. As I mentioned in my submission, one day I found a dead baby lying in the gutter. When we called the police, the police shovelled it up and threw it on the back of a truck. It was not because the police were uncaring; it was because it happened every day. I have seen small children on the side of the road selling their bodies for a few shillings. I have seen them living in garbage heaps. I have seen them sleeping on the pavement.

I suppose the one thing we want to get across today is that, irrespective of the challenges that face adopted children coming into homes in Australia or anywhere else in the world or the challenges we face as a family in having children—in our case, three white and two brown—the undeniable fact is that anything is better than the circumstances I have just described. Therefore, we believe that in providing opportunities for families in this country to adopt children, if we are

able to provide them with all the rights that as a country we have ratified and signed off on, we are giving an incredible service.

In most cases, there is no extended family. In Africa, the extended family has ceased to exist for many children. If any family members are alive, they either are unwilling to take on a child whose parents have died of AIDS or, due to living in poverty themselves, are physically unable to care and provide for such children. It needs to be remembered that some of these children have just been abandoned—left on tracks or on anthills. One little girl, whom I did not talk about in our submission, lasted for just 48 hours. She was stuffed into a margarine can and thrown into someone's backyard. She went to New Life Homes, where they loved her and kissed her for the 48 hours that she remained alive. The only thing that little girl had was the dignity with which she died. However, for many children that is not the case.

Our two adopted sons are Kenyan and they are different—and they are a different colour. Sometimes their friends say, 'Oh, my good friend at school is called Daniel.' They are asked, 'What's he like?' They try to describe him and say, 'He has really curly hair.' That is the best they can do. But they are his friends. Our sons have a mum and dad who love them. They have brothers and sisters who love them. They have an extended family that loves them. They are receiving a first-class education and have access to first-class health facilities. They have great friends, who naturally accept them just as they are. They go to sleepovers. They participate in sporting activities. James is learning how to play the piano. Daniel is absolutely determined that he is going to be the first Kenyan to play for the Adelaide Crows. We eat at McDonald's.

We are not perfect parents and they are not perfect sons. We are not a perfect family but we are a great family, and Daniel and James complete us. They will almost certainly face challenges, but we understand that—and we understood that when we adopted them. We have a great family and we are going to walk those challenges together. Just as my other three children, my natural born children, will face challenges about their identity and everything else, my two boys will face some special ones—but, as a family, we will face them together. The reality is that that is the whole point, because these boys have a family that will support them to do that. Therefore, anything that we can do to provide more families with the opportunity to adopt children who have no hope, no future, no purpose and no chance of ever having a family has to be an absolute imperative for this country.

CHAIR—Thank you very much. Through the course of this inquiry, we have heard many stories about children being given opportunities when they come to Australia and we have heard many testimonies about why people adopt and what they go through to do it. In your case, effectively, you adopted when you were expats. I think you are the first witnesses we have had to go this route, so I will be quite interested to hear what steps you had to take to bring that about. Could you begin by telling me how long ago you adopted Daniel and James and how old they are now.

Mr Potter—We first met Daniel in 1996—probably in April 1996. He was at New Life Homes. New Life Homes at that stage probably had about 30 babies at a time, but it was looking to adopt or foster them out to either expatriate or Kenyan families. At that stage, most families who were fostering were expatriate families. Today about 86 per cent of the babies at the home are being adopted by Kenyan families, which we think is fantastic. Obviously, New Life Homes needs to be about a thousand times bigger to cope with the number of babies that need families.

More and more Kenyan families are adopting, which I think is tremendous, but the reality is that they are only making a difference to a handful of babies rather than the million that are needy.

In 1996, Daniel came to live with us as a foster child and we had to sign an agreement with New Life Homes that we were foster parents looking after him. In the process of doing that, we obtained the services of a lawyer and had to put in a submission to the High Court of Kenya. That process included a Kenyan official visiting us and doing a report on the family and a social worker visiting us and interviewing us and the children. They were especially interested in reporting on and interviewing us because we already had children and they wanted to see the parameters of a family with three white children into which a Kenyan boy was being adopted. They asked many questions. A report was written up about our suitability to adopt, with regard to our finances, family life and everything else, and the submission was then presented formally to the High Court of Kenya. The whole process, from the time we first started fostering Daniel through to his adoption, took about a year. The entire process did not take that, just getting ready and developing it. Once the papers had been submitted it did not take that long—but it took about a year.

Obviously, our advantage was that, while we were waiting for the adoption, we had Daniel with us. I know that is very different from the situation for most families here. They have to wait until everything has been approved before seeing the child. We had him with us from when he was about six months of age onwards, but he was 18 months old when the adoption went through. We had to attend court. We went through a fairly harrowing repartee with the judge, who asked us all sorts of questions, but he had to be convinced in his own mind. The adoption then was granted as being legal. We then applied for permanent residency through the Australian high commission.

CHAIR—At that time, you did not have to have any contact at all with any state government; you only went through the high commission.

Mr Potter—The High Court of Kenya was the only official department that we had to deal with.

CHAIR—Then you dealt with the federal government to get permanent residency. What about citizenship?

Mr Potter—We are in the midst of looking at that at the moment. We have toyed with whether we will go and get citizenship for them, because at the moment they are still citizens of Kenya; they have a Kenyan passport. We all moved back in the middle of 2000 and, after having been in Africa for 12 years, it was a culture shock for all of us. To come to Australia was as much a culture shock for Leah, Ben and Haylee as it was for Daniel and James. They spoke ‘funny’—their lingo was different. We probably spent the first few years just getting used to Australia again, but we do have the paperwork for citizenship for Daniel and James and we are working through that at the moment.

CHAIR—I think that is probably quite important. You never know what fate has in store. We had some discussions with Attorney-General’s on this issue fairly recently. Of course, with dual citizenship now, they can also keep their Kenyan citizenship. But I do think it is quite important.

Mr Potter—Absolutely. As I said, we have the paperwork and are working through it; hopefully we will lodge it in the next few weeks.

CHAIR—Would it have been possible to apply for citizenship for Daniel and James while you were still in Kenya?

Mr Potter—No. We were not provided with that opportunity by the high commission. The only thing that we could apply for was permanent residency.

CHAIR—I want to ask about your statement that there was active discouragement for families from adopting, because we are finding that in other people's evidence. Just generally, would you like to talk about that?

Mr Potter—Are you referring to my statement?

CHAIR—In your submission you say:

The process involved in adopting from overseas needs to be radically overhauled. It takes far too long, is far too expensive, and actively discourages families from adopting ...

Mr Potter—Certainly. We have had discussions about it with very good friends of ours, those who work with us and parents at our school. It is difficult for us to talk about other people's experiences, because it then becomes second-hand. Within the Kenyan system, we went through an intensive process to be deemed suitable parents; it now takes six months. From observing the need, knowing that in reality most cases of adoption take over two years to go through and that in many cases it costs in excess of \$20,000 to \$30,000, and with the process that our families have to go through making it seem at times almost as though they are trying to weed most people out—and we can only go by what they have said—our perspective is that the process needs to be far more consistent across the country. It needs to be more transparent. It needs to be affordable.

Just because Dani, as a teacher, and I, as a principal, are comparatively well off and therefore can probably afford the \$30,000 does not qualify us as any better parents. There are some fantastic people who I believe would make awesome parents but who are disqualified by not having the necessary \$30,000 to go through the entire process. I suppose that actively discourages them, because they will never be able to afford to do it—and yet, if provided with the opportunity, they would form wonderful families. Therefore, the cost and the length of time are discouragements. While the length of time may relate to discovering whether people are serious or not, there is a passage that says: hope deferred makes the heart grow sick. We need to be providing every opportunity that makes adoption an affordable and sensible procedure to enable families to do so.

Ms KATE ELLIS—In your submission you state that families adopting from overseas should receive incentives as they do in some other countries. Could you expand on some of the incentives that you know exist in other countries and what you would like to see Australia introduce as an encouragement?

Mr Potter—Daniel is my son; it is as though we have given birth to him. Therefore, every incentive that is offered to Australian families who give birth to their own children should be

provided to families that adopt children. We do not distinguish between my eldest son, Ben, and my middle son, Daniel, in who they are as people and their relationship with us. Therefore, I believe that should be supported in the way in which the federal government and state governments support families that adopt children. Basically, it should be a level playing field. I think that is where we are looking in terms of incentives. Whatever incentives a family receives from giving birth to a child here in Australia, adoptive families should receive exactly the same.

Ms KATE ELLIS—Following on from that a little, it is interesting that many of those we have met with who have biological children as well as adopted children have come forward and said they have struck different obstacles with their adopted children and the bureaucracy involved. It might be a little different in your case because your adopted children are not citizens, but would you have any examples—whether with Medicare, enrolling the kids at school or anything like that—of where you have found that you have been treated quite differently with your adopted children than with your biological ones?

Mr Potter—With Medicare we have had no problem whatsoever; we have not experienced any difficulties. Education is a bit hard to comment on, because I am the principal so they were going to get in regardless. I think one of the things that have surprised us relates to one of our unfounded fears: what would be the local community's acceptance of our children—all of them, but specifically Daniel and James? We have had one instance in 5½ years where we have received anything other than just the most welcoming attitude—and that was a motorist making a derogatory comment as they drove past.

The people of our community have been outstanding. They have welcomed our children in. Our children play in local soccer clubs. Nobody discusses anything; they are just treated as our children. I believe that is one of the fears that perhaps we all need to get over. I think that our community is actually bigger in terms of their hearts and acceptance of our children than perhaps we think. We have been absolutely thrilled with departments, doctors—everything that we have had experience with so far here. The only exception was when James, our youngest, broke his collarbone accidentally by falling off a skateboard. I took him to the local hospital and they gave me the evil eye, wondering whether I had been an unkind father. But I think I would have got the same look had the child been Ben. We have not received anything other than incredible warmth and acceptance.

Ms KATE ELLIS—That is wonderful to hear. I will just say that I cannot wait to cheer on the first Kenya-born Adelaide Crows player. I look forward to it.

Mrs MARKUS—Thank you, Michael and Danielle. It has been wonderful to hear your story. What were your costs while in Kenya? Can you equate it to Australian dollars?

Mr Potter—Including permanent residency, the whole thing cost us \$2,000 for each child.

Mrs MARKUS—What was the permanent residency portion of it?

Mr Potter—Probably between a third and a half. I can research that, because it has been almost 10 years, and get back to you. There were lawyers fees. The lawyers that we worked with were linked with the home. They saw it as an important mission and therefore they supported us in that way, but fees were still involved. The Kenyan High Court were not as missionary

minded—they made sure we paid every fee. It was about \$2,000 all up. Obviously, we understand that flying to Ethiopia is a cost and that is part of the \$30,000. We did not have to do that. Still, I think the difference is stark.

Mrs MARKUS—It is. You talked a bit about the fact that you have three children and that Daniel and James are very much yours, whether you gave birth to them or not. We have spoken to a number of state government departments across the nation and to parents who have been through the process with these state government departments, and adoption is either prohibited or discouraged for couples with existing children or if they fall pregnant or are pregnant during the process. What are your views in that regard?

Mrs Potter—We might have been a little spoilt in that all of our children were born in Kenya, so they were already born into an environment that was incredibly rich in colour, shape and size. Our natural children knew nothing other than colour and language and the richness of that. But there was certainly no question at all from our others that it was anything other than a very natural step. They will laugh like brothers and sisters, they fight like brothers and sisters and they will jealously stand up for one another in the playground. I have incredible confidence in my children that they will be the best defender of each other from now until whenever. I think that, for families who are considering it or agencies that are looking at that issue, if families are well managed and have kids who are openly involved in the whole process—as ours were—then, yes, it works.

Mrs MARKUS—This is personal and you do not have answer this. What were some of the things that you did as a couple to encourage James and Daniel and also your children to form that connection as brother and sister?

Mrs Potter—Again, we were a little spoilt in that we spent a lot of time with people who were living that sort of lifestyle. I mentioned John and Esther Green. We lived several hours away from where they were, but we would spend all our holidays up there and we became family. So it was very natural for my children to meet and grow up with other children. We worked at the baby home quite a bit—we would just pop down and visit. So they were exposed to need, colours and language as much as possible, which is probably a little trickier here, if you do not have that situation. But there are a lot of communities in South Australia that you could be involved with and spend time with. You could access any of those community groups and say, ‘Okay, guys, let’s go and spend time.’ As an example, I am a teacher and I took some 12-year-olds into a nursing home. For some of my students that was a very scary thing. In a simple way, you can take children out of their own little backyard and into a different experience. I think that is what we did with our three; they were used different experiences and different people, and they were very much part of the process.

You do feel a little bit as if there is a room of the most beautiful children, and your mother’s heart is going like this, and you think: ‘How do I decide, and how do you do this well?’ But I watched my three—a two-year-old, a four-year-old and a six-year-old—warm to Daniel. They played with him and talked with him. Again, that is not a privilege available to people adopting from here, but we actively involved them all the way down the track. There was a lot of talking, a lot of exposure.

Mrs MARKUS—If that obstacle were removed and if, for example, a couple here had a couple of children or a child already and wanted to adopt from overseas, what would you recommend should be put in place or looked at in assessing that or deciding that that is a good thing?

Mr Potter—I think bonding is mind-set. As a family, once we made a decision that we were going to actively look at adopting, it just became part of our natural conversation. It became part of who we were as a family. So, for Leah, Ben and Haylee, Daniel coming into their home was like us saying, as families do, ‘We need to let you know that mum’s pregnant and there’s a little life growing inside her,’ and talking about that. Just as a two- or three-year-old is watching expectantly as this next baby is born, we developed the same process. So therefore it was very natural, when the day came when we said, ‘What do you think about us bringing Daniel home to stay with us?’ For them it had already been part of a process. They were the ones who fell in love with Daniel initially. In fact, there were four who just warmed to Daniel.

I was still struggling a little bit in my mind about how you love another child as much as your own. I was the one who was blinkered. I thought, ‘That’s tough,’ because I have helped give birth—well, I have watched; I have waved madly from the sidelines—and they are yours, you helped create them, and those sorts of things. I thought: ‘I’ve taught hundreds of kids, but I don’t love them as much as my own kids. How do I love another child, born to somebody else, as much my own?’ That never entered the minds of our children. In the process, they just developed this determination in their own hearts that Daniel was going to come and live with us.

We talked about the need. We talked about the fact that this little boy had no mummy and daddy, that this little boy needed a family. They saw themselves as being part of something special, part of creating an opportunity for a little boy to have a life—and I think they are the sorts of things we need to talk about. So, when the light went on for me, everybody was already convinced. When I said, ‘What do you think about Daniel coming home to stay with us?’ the rest of them said, ‘Well, it’s about time.’ It was a natural process.

I know it may be slightly different here. But I think that if families are developing that same mind-set, that same understanding that ‘We’re providing an opportunity for a life, and this kid’s going to become our special brother or sister’—whatever they are—‘and we’re just going to flow with it,’ you develop that understanding. If the parents are acting it out in their daily life anyway, and you are hoping that your kids are catching your values, then they will catch that value as well.

Mrs MARKUS—Because there would be ways of communicating and building into the family that process from here to there.

Mrs Potter—When you ask how you would assess that—how you would turn up to a brother and sister and say, ‘Are you ready for another child?’—I think that is a tricky question. There is a lot of exposure with communities, a lot of talking. There is a lot of material available that you could use. But you could walk into my house after school today and see my children going for each other in a fierce manner and think, ‘Oh my goodness, there’s no compatibility,’ and then the next day see the love. So I think it is a very hard thing and it would be a very hard thing to assess.

Mr Potter—Friends of ours from our school have adopted a little Ethiopian girl. Their youngest son, Matt, is 15. Watching Matt wander around with that little girl in his arms—there was no problem, because he was part of the process. He flew with his mum and dad to Ethiopia to collect this gorgeous little girl, and you can see that, as far as Matt is concerned, that little girl is his sister. I think that question is minor—it is important, but I do not think that it is an obstacle.

Mrs MARKUS—It is not insurmountable.

Mr Potter—In my response to people who said that families like ours should not be allowed to adopt overseas, I would be less charitable than my wife. I believe that we are probably in an even more advantageous position to adopt because we have children of our own and we know what it is like to have children. Obviously, I support families who cannot have children. I think that is absolutely awesome. But I think that, by having children of our own, we actually have advantages, because that is providing a family environment for those children from the word go.

Mr FAWCETT—One of the things that we have constantly heard from state departments is that we will only be able to negotiate with countries that are a member of the Hague convention, and Kenya is not. There are a number of countries that are not, but where the need is great. Can you make any comment about the attitude of the Kenyan people or authorities towards either expat adoptions or people adopting from overseas? You mentioned that up to 86 per cent are now adopted locally. Are they generally in favour of that, or would they rather have their kids adopted here?

Mrs Potter—When we first adopted, we went to the High Court and the judge said, ‘You realise there is no precedent to allow this.’ So, 10 years ago, it was extremely difficult for expatriates to adopt. It was done under a special circumstance category, which it was shown that that particular child fell into that category. On our recent trip—we were back last year in Nairobi—I went to New Life Home again and chatted to them about this. They have their own legal service now supporting them and they are actively working with overseas countries. The children from Kenya are linked with countries in Europe, including England, and with the United States. So they have set up sensible legal arrangements with other countries. What they do now in Kenya is say: ‘You need to be approved by an adoption agency in your own country. That then gets brought to us.’ It can be up to three months, however. I am not 100 per cent sure of what happens when you get into Nairobi, but there is certainly a lot more process. It has been about a 10-year process of a lot of very dedicated lawyers working on those things and the different laws that have to fall into place. But we found great support for it, despite the opening comment from the judge. Certainly over the last 10 years there are now intercountry adoptions with Kenya.

Mr Potter—It was difficult only in that he gave us a hard word about it. They did not actually say no. As long as the social worker and other people felt that they were appropriate people to adopt, the High Court did not actually reject any expatriates. While they needed perhaps to make a statement that they should be looking after their own children, they understood that the need was far too great and that therefore families adopting were making a difference. Kenya has approved hundreds of expatriate adoptions. They have links with the US and with Europe already, and intercountry adoptions are taking place. I am not sure why Kenya have not signed the Hague convention. I cannot do much about that. However, I believe that Australia can look at

working with adoption agencies within Kenya to begin the process. Certainly other countries are able to do it; therefore I do not believe that there would be too many obstacles, from the Kenyan side, to allowing it to happen. The difficulty is probably going to be the position of the Australian government with regard to doing that without the Hague convention in place.

Mr FAWCETT—Are there any government approved agencies who represent the Kenyan government? Or are there just private agencies that run throughout the country?

Mr Potter—I am not certain. I think that most of them are private organisations. However, the High Court in Kenya have now split so that they have a section that deals purely with adoptions, because the need is so great, and therefore they have a direct link with those private organisations. So there is a direct link between the authorities of the country and those organisations. It is not something which excludes the government of Kenya, because the High Court have to sign off on it before any adoptions can take place.

Mr FAWCETT—So, in summary, the need is there, the authorities are pro the concept of adoption and they are starting to bring structures into place to enable it to happen with other countries.

Mr Potter—Our experience, obviously, is purely with Kenya, because that is where we lived. But we are not really here directly saying that we need to adopt from Kenya. We are saying, 'Let's adopt from anywhere if the need is great and there are families here that are willing to take them.' I would rather see us look at a country to see what opportunities there are, irrespective of whether it is Kenya or not.

CHAIR—Thank you very much. We are very grateful to you for joining us this morning because, as I said, we had not heard from a couple who have been expat adopting parents. It was quite interesting. Incidentally, your biologically born children, if they were born in Kenya, would also need to get citizenship, would they not?

Mr Potter—No, they got citizenship by descent, so they were Australian citizens from birth. We had to apply for it, but that was granted straightaway.

CHAIR—But you had to apply—that is what I mean. If you had not applied, it would not have happened.

Mr Potter—Yes, but they would not have been Kenyan citizens either. They would have been stateless, so we applied for that on birth.

CHAIR—I am very glad you did. Thank you both very much.

Mr Potter—Thank you for the opportunity.

CHAIR—We will accept your supplementary submission. There being no objection, that is so ordered.

Proceedings suspended from 11.47 am to 12.09 pm

CHAIR—We will now resume this hearing of the House of Representatives Standing Committee on Family and Human Services inquiry into overseas adoptions. We will now move to the community statement part. The rules are very simple. If you want to give your full name we would love to have it. If you are representing an organisation, that would be great. But if you just want to give your first name and come and have your say we are very happy for people to do that. Who would like to be first?

Janette—Good afternoon. Thank you for giving me this opportunity to put forward my view on intercountry adoption. As an adoptive mother I believe that intercountry adoption is an enriching and valuable way to form a family or to add to one. After several unsuccessful IVF cycles, for which my husband and I are now grateful, we went on to adopt our beautiful son from Thailand. Like most couples in our situation who go to these financial and emotional lengths to start a family we cherish parenthood, especially the unique bond created through intercountry adoption.

I believe that intercountry adoption is a rewarding and practical way to create families in today's world as we face certain problems, which I will summarise in four main points. Firstly, in Australia there is, and will continue to be, increased infertility as couples wait until later in life to start families. Over the last 10 years there has been an increase in sexually transmitted diseases. One in particular, chlamydia, which causes infertility, has risen by 30 per cent. This will therefore affect couples in the future. Sperm counts are also on the decline. Secondly, IVF does not guarantee successful pregnancies for all couples. In fact, its success rate is only 20 per cent. This success rate decreases with age and is therefore not a foolproof solution to infertility. It is very costly to participants and to the Australian government due to substantial rebates from Medicare. Thirdly, we need to at least maintain Australia's population to sustain economic growth. This is not happening at present with declining fertility rates. Fourthly, and most importantly, is the high number of orphaned and abandoned children living in orphanages throughout the developing world.

In summary, intercountry adoption satisfies a global need. In Australia there are childless couples wanting to start families; in developing countries there are orphanages full of abandoned children who receive minimal care and attention, not to mention often falling prey to sexual and physical abuse. Here in Australia we are trying to encourage families to have babies to increase our population, and we have many childless couples wanting so much to do just that.

So what do we need to do? We should view intercountry adoption as a positive, valuable and successful alternative for forming families. Some people may argue that intercountry adoption causes children to be abandoned, orphaned or relinquished but, unfortunately, it is a sad fact of life that there are thousands, if not millions, of children in developing countries who are orphaned due to poverty or whose parents have died from disease. So how could any serious minded person say that these children are better off in their own country, even though that means living in an orphanage? Every child has a right to be safe, secure, loved and happy. A childhood spent in an institution is not going to provide this.

Now I come to address one of the terms of reference of this inquiry into intercountry adoption which is about the inconsistencies in benefits and entitlements between adoptive and birth

parents. There is no comparison. Biological parents have minimal costs; public hospital costs are covered by Medicare. Biological families receive more emotional support in the way of supply of information and links to support groups like CAFHS, for example, compared to adoptive parents who pay thousands to adopt and receive little emotional, and no financial, support. Couples trying to conceive a biological child through IVF are given thousands of dollars rebate by Medicare and private health cover for each attempt. The parent of a biological child is not subject to the thorough investigation of their personal and financial affairs that adoptive parents must undergo.

Our adoption, back in 1998, cost approximately \$16,000. Depending on the country from where they are adopting, many families pay between \$20,000 and \$30,000. Some need to take out a loan or to mortgage their homes. The high cost makes it out of reach for many couples. Adoptive parents are subject to intensive scrutiny in the way of medical reports, police checks, social work visits and analysis of their personal and financial affairs. It is appreciated, however, that this thorough process is undertaken to ensure the child is coming into a safe, caring and loving family environment. It is a very expensive, time-consuming process, which can often take years, but it is one that couples are prepared to endure. Adopting couples receive no financial assistance.

What can the government do to make it easier for adoptive families? We need to make the process of intercountry adoption more efficient by getting children out of orphanages and into loving families as quickly as possible. It would be appreciated if adoptive families were given some emotional and financial support or at least if Australian adoption agency fees and immigration fees could be reduced to make it more affordable for the average family. The process would also benefit from better communication between Australian and overseas authorities. Intercountry adoption is just one solution to a global problem: abandoned children on one side of the world and childless couples on the other. After all is said and done, let us not lose sight of the most important fact, which is that every child in this world has the right to be safe, secure, loved and happy. Intercountry adoption can make that happen.

CHAIR—Thank you very much. Who would like to be next?

Susan—Good afternoon. Three years ago last Friday I became a mum for the first time. I adopted an 11½-month-old little girl from China and my whole life changed. We celebrate 14 October each year and call it our ‘family day’. I am a member of FCC—Families with Children from China, a parent support group—and was alluded to on page 9 of their submission, No. 86, by Mrs Karleen Gribble when she mentioned a single applicant who moved from South Australia to Victoria especially to adopt a child. That was me. Also, when the committee was hearing community statements in Melbourne on 3 August, Ms Lyn Smith mentioned that she had a friend who had to move to Victoria from South Australia to adopt because she was a single applicant. Again, that was me. I did have to move to Victoria to adopt Ashleigh. As a single applicant I struggled and fought my way to be approved as a prospective adoptive parent in South Australia but was then told that my file would go into a drawer.

The move to Victoria was not without great personal cost. My mother was dying of cancer. I had to leave my job and my training position, which was linked with university postgraduate studies, and move away from the majority of my friends and all of my family. Once in Victoria, I was required to go through the approval process again, duplicating much paperwork, medical

examination and cost. However, I was determined that my life would not pass without my becoming a mother. The whole journey took me four years, and the reward is a very precious and gorgeous soon-to-be-four-year-old.

Now I would like to complete my family and adopt another child, a sister for Ashleigh. Unfortunately, I live in South Australia and intercountry adoption is still not possible by a single applicant, and another move interstate is out of the question. This is despite my having been previously assessed by two states as capable to adopt and having now proven this to be so. As a single person in South Australia, I can foster but not adopt. I have previously sent the committee a submission, No. 230, in which I outlined the differences in the state legislation regarding single applicants. I will not go through the sets of legislation in detail again, but I draw your attention to how similar they are and how differently they are interpreted.

For example, Victoria's legislation states that a single can only adopt in special circumstances and that the court must be satisfied that these exist. When I adopted Ashleigh in Victoria, there was never any indication that she was a special circumstance. As a single applicant, I was treated in the same way as a couple would have been. South Australia's legislation also states that singles can adopt only in special circumstances, but the difference is that the chief executive must be satisfied that these special circumstances exist. It seems to me that this issue is not really a matter of law and regulation but of an interpretation of that legislation.

I have been trying for just over two years to change this legislation or have it reworded to remove ambiguity. I have had no joy and many stalling letters. The opposition and the Democrats have been willing to help me in my quest. Many government MPs have indicated their private support but are unwilling to go public until after the next state election. I find this whole thing rather frustrating. I would have liked to have had my second child by now, not still be struggling and getting nowhere. I am hoping that your inquiry into and recommendations regarding this inconsistency will force the government into some positive action. Thank you.

Genevieve—I am nowhere near as prepared as the two previous people that have spoken. I have come because I saw a request for people to come and drop in and speak from their heart, which is what I would like to do. I am here to back up all those things that Sue has just proposed to you. I am also a single person who lives in South Australia and would very much love to become part of the intercountry adoption process. I have started that process but have been very much dismayed and put off continuing because of the barriers that seem to be there.

Sue discussed her belief that it is not a legislative thing and that it is actually a case of interpretation. That may be so; I am not particularly good at interpreting legislation, so I cannot really comment on that. I have had a deputation with the minister here in South Australia in an attempt to find out whether it is based on interpretation or whether it really does need to be a legislative change. I am still waiting to hear back about what his department believes the consensus decision is on that.

Again, as in Sue's case, I live in South Australia. I have an 84-year-old father who I take care of here. Moving interstate is not really an option for me either. When we talk about intercountry adoption, we talk about the best interests of the child and wanting to make sure that they are placed in good, loving families. I feel like I can do that and I feel that I have an awful lot to give. I feel like where I live at the moment is discriminating against me on that.

CHAIR—Thank you very much. Who would like to go next?

Pascale—Good afternoon. I have actually made a submission but I do not intend to read it. Like the previous speaker, I would like to speak from the heart. I am very fortunate to have been able to adopt two little girls from India, one in 1998 and another one in 2002. Both are doing exceptionally well, even though the second one was quite ill and would have perhaps lost a limb if we had been a little bit longer in getting her. This brought into acute focus for me that the time it takes to go and get those children can be essential. Certainly, it is essential from the point of view of the parents who live with the uncertainty. The way that the system is does not encourage that kind of uncertainty.

A very simple, practical problem is the difference between applying for maternity leave or adoption leave. With adoption you do not know when you need to be on leave, and you will not know until about three weeks before you have to travel, which means that, if you are in a position of responsibility, getting adoption leave can be an absolute nightmare. You keep asking for leave and then you keep asking not to take leave because you are not ready to travel yet. There is that element of uncertainty.

One of the previous speakers talked about the amount of control and scrutiny. I think nobody begrudges that; everybody understands that it is a good idea to have parents subjected to as much control as possible, but a discrepancy occurs. We are very acutely aware that biological parents have no parenting licence. They have children, and it is only when things go wrong that they are then scrutinised. It seems that for adoptive parents the benefit of the doubt does not exist. You have to clear all the fences before you are allowed to be considered as a suitable parent.

The main gripe that I had about the inconsistency was probably the age limit. I am very pleased to report that South Australia has finally woken up to that fact. I am very sorry to report that it took so long for the state of South Australia to come to that realisation. Certainly, for our family this pretty much meant that we were not able to proceed with a third adoption that we very much were hoping to be able to get under way.

In addition to reflecting on what is possibly the hardest thing I have ever done in my life—and I have done a few difficult things, but I must say that adoption would be right up there—my motivation for coming today would be that, when I made a submission, I looked at the other submissions and one of them really shocked me. It was a submission to the extent that intercountry adoption amounted to repeating the stolen generation, and I just had to come and say that the person that would write this would never have spent any time in India.

In 1998 when I went to pick up my daughter, Maya, she was 12 months old and a very healthy 12-month-old. We took her everywhere with us. She was in a baby backpack and really enjoying a new perspective on life. Some of the things that we did included going at night to feed the street people, spending a week distributing food in a leper colony and spending some time at a school which was purely funded by the revenue that was generated by adoptive parents who made a donation to that orphanage. So when you adopt a child it is not just that child you save from a terrible predicament and from an environment where there is no hope of love. They have not been stolen from anyone because they have actually been thrown away. That is the first factor.

The second factor is all the flow-on benefits. Those families who have adopted from those orphanages make a donation that will enable not just that child but several other children to receive care and love that they would not otherwise get. I know for a fact that a lot of the adoptive families establish links that are continuous with those orphanages. They go back in the future. They raise money and send that money. So it is hundreds of children that are going to be better off.

My view of adoption, and of any other thing, is that we should really try to live our lives as ethically as we can. When we decide on matters of ethics, I think the best way to go about it is to look at the consequences of what we do. I am totally baffled that somebody could say that the negative consequences of adoption would outweigh the benefits. For a child who has been abandoned, who is in an orphanage and who, like my second daughter, actually suffers a bone infection that could have cost her her leg, what is the downside of being adopted by an Australian family? She has no parents; she has been abandoned. She has received competent care but of a very rough nature. In fact, when I first took my child to hospital here in Australia, her response to medical staff was enough to tell me how badly she had been treated—not because Indian doctors are not kind but simply because of their very situation and the pressure under which they work.

For her there is no downside to being adopted. We made a 100 per cent difference to her life. We are treating her exactly as we would a biological child. I know that a lot of families adopt because they cannot have natural children. I should point out that I do not know whether I could have had biological children, because when I was 18 I made the decision that I would create my family by adopting children. I find it regrettable that through the delays in the process by which SA changes regulation I will only adopt two. I would have had the economic and intellectual capacity to be able to adopt three, possibly four. I regret very bitterly that two children will have to live in an orphanage or simply wait longer for a few months to be adopted by someone else. In the case of my second daughter, waiting a few months would have meant losing a leg.

My call is a call from the heart. I cannot understand why there would be not only the same advantages to adoptive parents but in fact an incentive built in. It seems to me that it is the right way of creating families at a time when the planet is groaning under the weight of its quite ridiculous development process. At a time when there are thousands of children who have no parents, simple logic and certainly compassion would dictate that families that are willing to adopt children should be not only compensated duly but encouraged. There should be a social acceptance of adoptive families in such a way that they get more assistance, not less, than biological parents because, in my view, they are doing something better. That is really all I had to say today.

CHAIR—Thank you very much. Did you decide at 18 that you wanted to adopt from overseas?

Pascale—Yes. I am French, as you can possibly hear. I was very struck when I was 18 to have a friend who adopted from India. She went to India one day and came back with these two little ones. From that day onwards, my children were going to be chocolate kids. It is actually quite interesting that when I started the process of adoption here in Australia, there were several programs that we could have chosen from. There was a South Korean program, there was the Ethiopian program, but I definitely wanted India, more so perhaps than my spouse. My husband

was quite happy to adopt from anywhere—Ethiopia et cetera. When we travelled to India to get Maya I think I felt that I had travelled a very long road to come to exactly the right place to meet exactly the right child.

CHAIR—Thank you very much. Who would like to be next?

Matthew—I am the proud dad of one adopted child, Subin, who is from Korea. I also would like to thank you for coming along here today and holding this forum and providing the opportunity for these great things to be said about intercountry adoption. It highlights to me even further that there are inequities in the system and that it is more difficult for some people to adopt than others. I had firsthand experience of seeing how wildly different the adoption programs are state to state, because I was in Seoul in January and there were couples there from all over Australia. It was almost a convention. To hear the stories of how different things were in Queensland as compared to Western Australia or Victoria was really quite an eye opener. It seemed to be just bizarre that your treatment or the fees or various other aspects of intercountry adoption varied based on where you happened to be living. I believe the Commonwealth is in a position to perhaps standardise those sorts of things.

CHAIR—You heard that Queensland was the worst, did you?

Matthew—Yes.

CHAIR—So have we.

Matthew—There was a couple there from Bundaberg who had been in the process for four years. As far as hoop jumping goes, I do not condone that in a circus let alone in a process involving humans. Nonetheless, there are basic inequities and this whole thing is about addressing some of those. With the maternity payment—that golden oldie—it is great to see that the age limit has been raised to two years, although it still discriminates against those couples or single people who adopt children who are older than two years.

I was heartened to see in the *Advertiser*, Adelaide's paper, this morning that our very own Minister for Families and Communities agrees with this and has challenged the Commonwealth government, today of all days. It is wonderful, because the other great inequity is in these vast differences in fees from state to state. I believe that Minister Weatherill is in a unique position to remove one of the great inequities here in South Australia, which is that we pay a great deal more money than just about everyone else in Australia, excluding people in New South Wales, who until recently did not have to pay quite the exorbitant fees that are involved here. I believe—putting on my positive hat—that one day commonsense will prevail and that fees will be abolished or at least standardised—or at the very least made tax deductible. The Commonwealth is in an excellent position to take action on this.

Intercountry adoption is a truly wonderful and in fact very normal part of life. Part of the reason why we are having this thing here today and why there are so many people who are upset or who feel hard done by is that there has been a lack of community awareness, for a start, of intercountry adoption. I had little awareness of intercountry adoption until I started the process. As soon as I did, I thought it was just fantastic. I thought, 'What is going on? Is this a secret?'

There is a really great opportunity here. As well as dealing with fees and all of the other legislative mumbo jumbo, we can look at developing either some programs or some resources that will assist in helping to normalise intercountry adoption in the broader community and make things less dramatic. That will clear up a whole heap of misconceptions that exist around adoption. Often when I speak with people who are not aware of intercountry adoption, they say, 'Man, it's really expensive and crikey those children are so lucky to be adopted.' They are both misconceptions, as it depends on where you happen to live and what your particular story happens to be.

Basically, the Commonwealth can at least put in place standards through which the states and the ACT can develop professional development programs for teachers—and that is across the curriculum—to educate teachers about intercountry adoption, biculturalism and the place of intercountry adoption in biculturalism. That straightaway deals with a broad section of the community, not only the teachers and the children but the parents and the broader community that surrounds schools, including the medical and health professions.

If a couple is experiencing fertility problems, for instance, and they go to their GP, a gynaecologist or some other specialist, why does that specialist not straight up say: 'Here are your options—IVF, intercountry adoption. Would you like to talk about either of those?' Or 'Here are some materials that the Commonwealth government has developed to assist you to get in touch with people who can help you out.' That is not directly related to the terms of reference although the overarching intent of what you are up to is to make it a lot easier for those of us who are having this wonderful experience. I hope you take that on board and give it some consideration. Thanks again for the opportunity.

CHAIR—Thank you very much.

Jillian—I have two beautiful adopted children from South Korea. I come unprepared today. I just have a few dot points jotted down on a piece of paper. My children are biological siblings and, happily, I can say that the first adoption, for my son Sang, was quite quick and relatively easy from my point of view. When Sang was about one year old we had a wonderful phone call from the adoption agency saying that he had a baby sister who had just been born and would we like to adopt her as well. Of course, we were overjoyed and thought: what a wonderful miracle that we were being given the chance to adopt two children rather than just one and that they were biological siblings, what is more. That is what we did, and we adopted his sister, Ginny, about nine months later.

We had some frustrations along the way in the way that the two processes were dealt with. We thought the second process for Ginny was rather rigid, considering that we had already adopted her brother and we had been approached to adopt her. Whilst it took us only five months—Sang was five months old when we went over to Korea to collect him; Ginny was nine months—we could not see why the process had to be longer for the second child.

Also with fees, there was slight fee relief from the government agency but really nothing to speak of. Having two children quite close together and having to pay the very large fees was a real financial burden for us—one, of course, that we took on gladly—but if we had been another couple we may not have been able to afford it. I ask the committee to consider in cases where

there are two children being adopted from the same family that some standardisation and some thought be put into giving some fee relief to parents in those circumstances.

I am very glad to hear that the cut-off for the maternity payment has been lifted to two years. With our two children we saw the difference that that made before the age limit was increased. We received the maternity payment for Sang but we did not for Ginny. We took custody of Sang when he was five months and Ginny when she was nine months, so we were ineligible for the payment for Ginny.

Also, in respect of maternity leave, I am a Commonwealth government employee and at the time I was ineligible to take any maternity leave through my employer. The Maternity Leave (Commonwealth Employees) Act only applies to women giving birth, so I was not eligible for any paid adoption leave—I was eligible for unpaid leave, but that was not a whole lot of help. I point that out to the committee as well. They are all the points I have. The whole process has been a wonderful one and one that I am very grateful for, particularly in our circumstances. I have many positive things to say about it but I echo the other speakers' thoughts about the inconsistencies between the states and also the high fees that are involved. Perhaps if tax deductibility could be brought in at least for a measure of those fees it would certainly provide a lot of assistance for families.

CHAIR—Were both of your adoptions done with the state government as the central agency, or was the first one done with the non-government agency?

Jillian—They were both done through the non-government agency.

David—I am a spokesman for Festival of Light Australia. You have received our submission, and I want to highlight a couple of points. I will begin by making a few general remarks. Firstly, may I express my personal gratitude to all who are present here today, particularly those who have told such wonderful stories of adoption. I thank them for the wonderful charitable work they have done through their endeavours. I want to preface my comments by saying that, because I suspect that some of the further comments I may make may be hard for them to hear.

Let me also say that one of the barriers to overseas adoption is a widespread community attitude against adoption, and that has occurred in the last 30 years or so with the liberalisation of abortion in our nation. Children who previously would have been put up for adoption and received into loving homes are no longer able to do that because they are the subject of abortion. The result of that is that we have now adopted—if I can use that word as an unintentional pun—an anti-adoption mentality. That can only undermine all efforts towards overseas adoption.

Let me say also that adoption is a very wonderful thing. It is commended in the Bible, which is the central text of our culture. Moses was adopted as the son of Pharaoh's daughter, who then went on to do great things. Adoption is commended in the Book of Esther. Esther was adopted by her uncle Mordecai following the death of her parents and went on to become the liberator of the people of God. I cite those two examples as evidence of the virtue of adoption in the central text of our culture. Of course there are sometimes difficulties with adoption, but the difficulties are often highlighted whereas the virtues are not. Jesus was adopted as the son of Joseph, and he never looked back. Those points are worth making as part of our endeavours today to think about the value of adoption and to commend its virtue to us and to our culture. Having said that,

we believe that the paramount consideration in adoption is not the rights of parents to adopt but the rights of children to be adopted into, wherever possible, an ideal situation.

In our submission we draw attention to inconsistencies between states and territories with regard to the approval of adoption. We point out that the ACT and Tasmania—and, to a lesser extent, Western Australia—allow adoption by homosexual couples. We raise concern also about the adoption of children by de facto couples. I acknowledge the enormous goodwill of those, including single parents, who adopt but, as a matter of policy, we commend that adoption be restricted to those who are married. Our paramount concern is not the rights of the individual to adopt but the rights of the child to be adopted into the optimum condition. In our submission we make the point that, while no marriage is perfect—and marriages do have their difficulties and sometimes fail—the evidence is clear that children do best when raised by a married couple in a stable relationship.

We commend to the committee that recommendation that we make, and we further draw attention to a means by which that could be achieved. We recognise that the Commonwealth ought not to encroach upon the states except where absolutely necessary. But, given my earlier remarks, we commend that the federal government use the adoption visa provision to issue visas only to children whose prospective adoptive parents are either a married couple or the parent or the step-parent. That can be achieved, we understand, because the child entering from overseas does so under the guardianship of the minister, and therefore it is clear that the Commonwealth has the power to decide what will happen to the child following entry under those circumstances.

I thank the committee for its deliberations, and we commend our recommendations for its favourable consideration. I especially thank the committee for raising concerns about adoption, which we hope will enable more adoption to occur, particularly from overseas.

CHAIR—Thank you very much. I might point out that one of the things we have found in this inquiry is that there is an anti-adoption attitude in the bureaucracy. But it is in favour of fostering. The statistics are that, last year, there were 24 Australian children adopted in New South Wales, but there are 105,000 children in out-of-home care, all of whom would benefit from having a family. Does anybody else want to come forward?

Mireille—I feel a bit like the black sheep today. The reason for that is that 35 years ago I lost my son to adoption. I say ‘lost’ because at that time there was a stigma attached to being young and not married. After losing Steven, my boyfriend at the time—who is now my husband—and I carried on our relationship, got married and had two more sons. I am speaking from the heart and from my experience, because that is all I have. The loss of Steven was enormous for our family. Steven came back to us 26 years later to meet two full brothers, because we went on and had two more children, and his first reaction to our story when we told him the reasons for what had happened was: ‘I did not have a choice.’

I want to bring that forward today and to say that adoption is very complicated. I know all the stories before mine were about how wonderful it is and the joy that these children can give you, and I understand all of that. I am also now in touch with Steven’s adoptive parents, and we have worked very hard over the last nine years to make sure that there has been a reasonable outcome for all of us and especially for Steven. We have always put our issues aside and looked at what is best for him so that he is not caught in the middle.

A child who is adopted is caught in the middle, they are the meat in the sandwich, and that comes across a lot at ARMS meetings. I belong to a group of people, called ARMS, who will be speaking later on today, and it echoes right through that group. The difficulty at reunion is just a minefield. For the adopted person, it is often said that it is the identity issue, not knowing who they really are. Steven still has on his original birth certificate 'father: unknown', even though my husband was standing in the corridor when he was born. It was all part of the ploy that happened at the time. I did not have legal representation, and I did not have support. I did not want to give him up for adoption, but it was just taken out of our hands and I could not do anything. I was too young and just did not have anywhere to go. We were up against a brick wall. When my husband and I tried to go and see him in the nursery, we were pushed aside several times by the staff. I was put back into bed. I have since found out that I was actually drugged for the whole week in hospital, to keep me from seeing my son. I was not to have any contact with him.

Today we are talking about overseas adoptions. My concern is this: what is going on with the natural mother, the parents, the uncles and the aunties? Is someone really looking at their lives? Why are these children in orphanages and why have they ended up in the way that they have? Why can't we as a society look at the bigger picture of helping those families to have a better life so that they can keep their children in their family, where, to me, they belong? I am sorry but that is just the way I feel.

CHAIR—I can understand why you feel that way. I think nobody wants to go back to what happened to you 35 years ago.

Mireille—We need to look at that past though; we need to look at that history. I do not think that as a society we have really gone back and looked at it and even spoken to the children, who are now grown up, to find out what it was like for them to have been adopted. I know what my son says and I know what he wishes for and I know how hard it is for him when he comes to our home and he hears his brothers calling me 'mum' and my husband 'dad'. We are left to deal with all of this now—35 years later we are the ones who have to do that, and we do not even get help to do that. There is no help as to what we do with the aftermath. We have had to grapple with that ourselves. We have had to have an open heart. His adopted mother has had to open her heart. It had been very difficult for her to realise that he has a family with two other brothers. The brotherhood is incredibly strong. No-one will ever touch that. That is a good outcome. But a lot of the stories in our group of women are just horrendous. There have been studies done which have shown there is a higher rate of adopted people in prisons, on drugs and generally not coping with life as they have gone into adulthood because of what happened when they were babies. This is the point that I really want to put forward: please be aware of the consequences of adoption; they are not all that fantastic especially for the three parties concerned and for the other people as well. He came to us and he had to meet 22 people that were related to him.

CHAIR—Thank you for coming and telling us your story, because nobody ever wants to see what happened all those years ago happen again.

Mireille—This is why I am here. I do not want to see other people go through what I went through and not have rights. This worries me about the people overseas: what rights do they have?

CHAIR—To reassure you, not only are the people who are the adopting parents very much vetted here; the children's history is also looked at and the scrutiny given by the country with which we have an agreement has a very tight schedule to ensure that the children have truly been abandoned.

Mireille—It worries me greatly because while they say a lot of those children have been abandoned they are actually being sold.

CHAIR—In China there are 100,000 baby girls abandoned every year and only 10,000 of them get adopted.

Mireille—But this needs to be looked at: why? The bigger picture needs to be looked at. That needs to be changed.

CHAIR—Thank you.

Rob—Thank you for allowing us to speak today. I came along initially to offer visible support to those parents who are speaking today but, having sat here and listened to people, I have taken some notes and want to get a few points across myself. I am a parent who has two adopted children from Ethiopia. We adopted our son in 1997 and our daughter in 2001. Our son was an abandoned baby who was found by the police and taken to an orphanage. As part of the adoption process they tried to find any family relatives for him over there, but they could not. Both the parents of our daughter were deceased and she was looked after by a friend of the family because no relations were available to look after her.

I want to add my support to the previous statements made by the parents. There were a couple of points in particular. On Janette's point about the scrutiny that prospective parents must go through, we now understand that some checks must be made. The Ethiopian support group here in Adelaide have functions every school holidays. I was talking to some families there who are currently going through the process, and I was quite shocked to hear some of the questions that are currently being asked by the department of them. To me, they are very much an invasion of privacy.

Another point I want to talk about, which Matthew mentioned, is the fees inequity across the states. With the support networks being so huge and stretching across the country today, parents who are in particular support groups quite often hear what is happening in other states. That causes a lot of concern and frustration by parents in certain states where they are perceived to be paying a lot more than in other states. It is important to make certain that as part of this process the inequity of fees gets straightened out as well.

With our children, we paid approximately \$22,000 for the total adoption process, even though there was probably a five-year difference in when we adopted. There was an increase in fees but a slight reduction because of the second adoption, so the fees ended up being roughly the same. Again, that varied from some of the other countries. I also heard some people talk about the movement between states. I was aware of it because of the inequities that we were going through at the time. Some couples from Queensland moved down to Canberra to adopt, because, at that time in Queensland, they were not going to be able to be approved so they moved to Canberra to be approved. By going through what you are going through today and making things a bit more

equitable, hopefully the problems, frustrations and financial burdens the families must go through in order to create a family will be straightened out.

One of the problems we found when we were going through adoption was that each state seemed to have a different number of countries from which to adopt, because some states had programs with some countries whereas other states did not. If we had wanted to adopt from a particular country we would have had to move interstate. I think it is important that if there is an opportunity in one state to adopt from a particular country that should be available across the country. There should be no reason why programs are set up in one state only; it should be a national program.

CHAIR—Thank you very much. We seem to have heard from everybody. Thank you very much to everybody who has come today and put their point of view. I think these community group forums are very worthwhile, from our point of view, because they let us hear from many more people than we could hear from in the formal sense of the inquiry, and it gives an opportunity for everyone to put their perspective. We are very grateful that people have come forward and told us their stories and how they feel about it.

Proceedings suspended from 12.58 pm to 1.32 pm

PRIEST, Mrs Susan Mary, Private capacity

Witness was then sworn or affirmed—

CHAIR—Good afternoon, Mrs Priest. Thank you for coming.

Mrs Priest—Thank you for having me.

CHAIR—Do you have any comment to make about the capacity in which you appear before the committee?

Mrs Priest—I was formerly the executive officer of Australians Aiding Children Adoption Agency that was closed, with the change in government policy, in March 2005. I had worked in intercountry adoption for 13 years.

CHAIR—We have your submission, for which we thank you. Would like to make an opening statement?

Mrs Priest—I put forward the submission based on my social work background, 13 years in intercountry adoption, being involved in the establishment of postadoption services and seeing a lot of discrepancies between the differing states and also between the benefits that families are entitled to if they have biological children or adopted children. While I was in the agency we worked hard with members of parliament to try and bring in an equality for parents.

My background is, as I have said, in social work. I worked from 1976 to 1979 with the Vietnamese boat people, establishing the refugee programs in South Australia. I then worked extensively with single parents at a place called St Joseph's Centre, which was looking at adoption as one of the choices women had if they did not wish to continue to raise their child. I then moved to the Australians Aiding Children Adoption Agency in 1992 as a contracted social worker working on assessments and follow-up progress reports for overseas. I took a locum position in 1993 and then was offered the full-time position in late 1993 to stay at the agency. During this time we worked collaboratively with the department to try and develop strong intercountry adoption links for South Australia. That is all I would like to say as a statement. I would prefer questions.

CHAIR—Thank you very much. You certainly have a good background for us to draw on. If there are any questions that we might ask you that you feel you would be more comfortable answering by way of a supplementary submission in writing which would be confidential that would be in order as well.

Mrs Priest—Thank you.

CHAIR—Can I ask you first about the postadoption services that the agency used to run.

Mrs Priest—In 2002, I was doing a lot of work with intercountry adoptees who were trying to get a sense of who they were culturally and of why they were placed in another country. It

seemed with a lot of the work I was doing with the teenagers that they really did not need social workers to help them work through all the issues; what they needed was really meeting other intercountry adoptees.

So, with a student from Flinders, Casey and I developed a submission to Foundation for Young Australians to develop a mentor program and a postadoption support service. That became East Meets West, which, with state funding, is continuing to offer a mentor support role for intercountry adoptees, mainly those aged 10 and onwards. The mentors are 18 and onwards. It offers a lot of programs for the mentors—in first aid, naturally, and support and in what the role of a mentor is.

CHAIR—Are some of the mentors children who have been part of the adoption program?

Mrs Priest—Yes. They were intercountry adoptees who were adopted from Sri Lanka and Korea, which would have been in the eighties. By word of mouth, they have come into the mentor program. Intercountry adoption in the eighties was mainly run by the state department, along with what used to be called ASIAC, which then became the Australians Aiding Children Adoption Agency, which was a support service for adoption.

CHAIR—Were you surprised when the agency closed in March 2005?

Mrs Priest—Yes.

CHAIR—So it sort of came out of the blue?

Mrs Priest—Yes.

CHAIR—Did they give you a reason?

Mrs Priest—I will take that on notice.

CHAIR—Okay. Going back to your postadoption services, are they an essential working part of the whole overseas adoption program?

Mrs Priest—I think it is absolutely essential that intercountry adoptees have an ability to connect with older intercountry adoptees. If we reflect on what happened in 1975, children were airlifted from Vietnam and, not having anybody, were suddenly placed in families where there were probably biological children. There was confusion of identity. Children asked, ‘What is wrong with me?’ By young adoptees being able to see, talk to and share with older adoptees, they feel that it is okay to be raised in a totally different culture. It helps them to develop a sense of their global identity rather than just being confused about whether they are Korean, Vietnamese or Thai. They feel that there are many other people like them.

CHAIR—So it is essential. Is there any government funding that you know of for any of those support groups?

Mrs Priest—The state government is now funding East Meets West until the end of June next year. That has been approved and offered just recently. With regard to parent support groups, no, there is no government funding for them.

CHAIR—So there is for the mentoring program but not for the support group?

Mrs Priest—Yes. It is minimal—for a part-time coordinator and part-time office staff.

CHAIR—Do you think there ought to be some government funding for those support groups?

Mrs Priest—I think it is very important that people are able to connect. Some financial support is an advantage because they can send out newsletters—they can link better. So often, families lose contact with each other as their children grow and become involved with school and many activities. There needs to be the ability to have a newsletter that is not a cost to parents all the time. Parents have paid a huge fee to go through the process of intercountry adoption. They then live with a lot of other costs. If you adopt a child over the age of five you do not get the \$3,000. If you are looking for extra supports you have to pay for them, rather than services being available.

CHAIR—Are you aware of any problems with intercountry adoptees getting access to Medicare and all those sorts of things?

Mrs Priest—There has often been some confusion with Medicare when people arrive back. That was the case up until March, which is when I withdrew from working in intercountry adoption. Up until March people were finding it very difficult to get a Medicare card in their child's name. They had to wait. Because their child was under guardianship they had to go through the department to try to get their Medicare card.

CHAIR—I see. So it is in the guardianship period that the trouble is. Once the adoption, if it is to be made in Australia, is finalised then there is not a problem. Does that mean that there should not be a problem with Chinese-born children, because the adoption is completed in China before they come here?

Mrs Priest—The problem we have found with the Chinese adoption is with our obtaining their citizenship. Because they do not have a birth certificate, there has been some confusion in the department about the issuing of citizenship papers. We do not get a birth certificate from China; we get a notarial certificate. Therefore that has caused confusion—

CHAIR—What is it called?

Mrs Priest—A notarial certificate.

CHAIR—Yes, it is a certificate of abandonment, isn't it?

Mrs Priest—A notarial certificate basically says, 'This child was born around this time,' because they cannot give a birth certificate. So it is a notarial certificate. Naturally at times there is confusion in departments because there are requirements to obtain citizenships and these are

the rules, but there is not always an understanding of the differing countries' criteria and processes, which is one of the areas that leads to a lot of confusion in post-placement areas.

CHAIR—Does that mean that South Australia will not give a birth certificate for Chinese-born children?

Mrs Priest—No, no state in Australia will. By the Chinese agreement, that notarial certificate had to be represented as the birth certificate. Consequently, under South Australian legislation, yes, they do not get given a birth certificate.

CHAIR—It seems to me a bit strange that they cannot have a certificate given as well as that one, not to replace it but just to have as well.

Mrs Priest—I think it was part of the negotiated agreement with the Chinese authority about the recognition that they did not think it was right that the child should be given an Australian birth certificate when they were born in China, and that that notarial certificate had to have the same weight as an Australian certificate. So it was about negotiation with authorities.

CHAIR—Maybe it was an interpretation; maybe there is necessary further documentation to ensure that that certificate is recognised. I am sure it is not beyond the wit of man to pick up something.

Mrs Priest—That would be good.

CHAIR—My colleagues may now have questions.

Mr CADMAN—Could I go back to AACAA and your time there.

Mrs Priest—Yes.

Mr CADMAN—How many employees did you have?

Mrs Priest—There were three full-time staff: an office manager and staff who put all the files and allocation documents together. I had a part-time assistant executive officer who had a social work background, as I did. We also had two part-time clerical staff and I had a professional panel in South Australia of 14, which included a mixture of social workers and psychologists who did assessment reports and post-placement reports. There were also a few of those professionals that did education programs which we ran for the families. Also we had what we called family support workers. As soon as a family arrived home they had a family support worker that made contact just to say it was okay to cuddle the children when they were crying et cetera. When you come home you do not know the child and people say that you should put them down and let them cry; whereas many times a child had just lost its nurturer, had lost the person that they identified with, and just needed to be held. These people were trained in parenting and had worked extensively supporting families through Anglicare or Centrecare et cetera as support workers, and they worked as a contact for the agency to visit. In the Northern Territory we had three contract personnel.

Mr CADMAN—Were they sometimes adoptive parents themselves or not?

Mrs Priest—One of our parent support workers is an adoptive parent. Three of my office staff were adoptive parents. In the panel, one of the workers had adopted an Australian-born child—it was a local adoption—17 years beforehand.

Mr CADMAN—Was the work that you did further supervised by the department to make sure that you had complied with all the legal requirements?

Mrs Priest—Yes, we were licensed by the government and were also accredited by the overseas agencies under the Hague convention. We had six-monthly reviews with the state department both here and in the Northern Territory to ensure that we were correctly following the due process of law. As part of the process we would invite people, once they reached a certain stage, to do what we called orientation education, which was looking at the issues that they may be confronted with, the questions they needed to explore. That was a six-week program run at night for three hours or so or on two-day weekends.

After people had completed that, they were then invited to apply by the government department because their police checks and medicals et cetera had been previously cleared. That is the South Australian basis for the invitation to apply. We did the education first with people. In any bureaucratic process that has to occur in any adoption, it is absolutely essential to ensure we find the best possible family for a child. Before they actually could be invited, they made the decision whether they wanted to continue to explore the process. The government then invited them. We then allocated the assessment work to one of our professional staff, who were all accredited by our department. When we employed someone, we had to put forward their qualifications.

Mr CADMAN—Was that for things like home reports?

Mrs Priest—Yes. We contacted the staff, but they were also approved to work by the state department. Then, after the assessment reports were completed, they were read by incredibly experienced psychs and social workers and by the agency. We used a check list similar to what the department used, which looked at whether they would meet the needs of the child and whether they actually understood the issues that a child would be confronted with. After the final draft was given, we sent it to the department for approval. The department approved all prospective adoptive parents under the South Australian adoption legislation. We used the same process as in the Northern Territory.

We then developed the file with the documents required by each country. Each country had its own file requirements. We compiled the file as was required by our licensing arrangement with the department and then we forwarded that file overseas. Part of my role was to work very closely with the overseas countries to know both their written and unwritten criteria. We worked with parents to ensure that they were sending their files to the right country. On receipt of an allocation or a matching from that country, we then immediately sent that allocation to the state department, who then decided whether that allocation was appropriate for that couple. They approved or said no. If they approved, we then offered the child to the family. If they did not approve, we then notified the overseas country. The decision might have been based on age criteria or on other some issues and they felt that the adoption was not appropriate. All along, we worked as a team with the department.

Mr CADMAN—It sounds like a good system to me.

Mrs Priest—It was a very good system.

Mr CADMAN—What number of adoptions would you generally see in a year, and did you have a waiting list?

Mrs Priest—In South Australia, we did not have a waiting list to start the process. There was a flow. We were allocated 82 children last year.

Mr CADMAN—How did you work not having a waiting list? Did you say, ‘We can’t fit you in this year; come back next year’?

Mrs Priest—No, it was a total flow: people expressed interest, they met the checks and our orientation was constant and the file system would go overseas. Our allocations were usually within six to 12 months of a file going overseas. You actually had a flow; you did not actually stop and start people. It was very much as people were ready. People come into intercountry adoption very much due to infertility issues, and they will have gone through a lot of processes and they have often decided that they are ready to create their family through adoption and through intercountry adoption. Therefore, to actually stop them and put them on a waiting list for two years, after they see themselves as having lost three years of their time to parent a child, is a pretty negative thing.

Our role was to work very closely with the countries that had a huge respect for the work that we did. Assessments were used as frameworks for many other overseas receiving countries. We also gave very regular feedback to them, so they were comfortable with how our children were going. The overseas countries often visited, and I visited them. There was a respect for the process and the program—and there were not huge hiccups due to files waiting overseas.

Mr CADMAN—That sounds very good. Do you know Dr Andrew Melville-Smith?

Mrs Priest—Yes, I do know Andrew. He adopted in Victoria and then moved to South Australia after the placement of his Ethiopian twins. We did one postplacement report. So he did not go through our process other than one postplacement report.

Mr CADMAN—Did you do both in-country and overseas adoptions?

Mrs Priest—No, we only did—

Mr CADMAN—Your name does not make that clear.

Mrs Priest—Sorry. Our agency was only for intercountry adoption.

Mr CADMAN—Did most people come to you after they had tried local adoption, or not?

Mrs Priest—Many people decided not to try local adoption. Many people chose after doing a lot of research. They felt very comfortable adopting their child, particularly when they did not object to the screening they got overseas. They understood the process and felt comfortable

about the matching process overseas. Some people may have looked at doing local adoption, and some may have decided that that was where they wanted to go, which was fantastic—they may have explored intercountry adoption but were not on the roster—but many people just chose intercountry adoption because they felt quite safe with it, here in South Australia and in the Northern Territory.

Ms KATE ELLIS—Thank you for coming and addressing the committee today. You have vast experience. You would be aware that one of our terms of reference is to have a look at the difference in the benefits and entitlements for which parents of adopted children are eligible, as opposed to those benefits available to parents who give birth naturally. In your experience, you would no doubt have come across a vast array of areas where there is a discrepancy between what is available to parents in terms of benefits. I wonder whether you could outline to the committee some of those examples, if you know of them.

Mrs Priest—Probably the one that always struck me the most was when, if you had a baby, you got a baby bonus. Then it was extended but, again, it was extended to six months. Then it was extended—and perhaps is being considered to be extended, hopefully, to any adopted child, because not all our children come as babies or under five et cetera. Certainly they were eligible for any Medicare. The only trouble was trying to get their Medicare card, which was often one of the issues. But adoptive families were entitled, if their income allowed, to family supplement, family allowance et cetera. They were entitled to all access to health systems.

But it was really the discrepancy of the age cut-off, particularly for a family, because they were creating a family. The child may not have been born here, but no matter what the age at which these children come—we had a philosophy of under eight in South Australia, and occasionally a little bit older if they came in sibling groups—they are still the children of that family. If anybody is creating a family, be it biological or by adoption, they have a right, the same right. Therefore it should be open to whatever age the children are when they are placed with them, because we also have to understand that many countries have their own age criteria and will not always allocate babies. Children come at any age from six months plus. Very few under six months come. There is a whole age range.

To me, that was the biggest issue, although entitlements in the workplace are another area of concern. Again, if you do not carry a child and give birth, in some of our federal workplace agreements you cannot have maternity leave because you have not gone through the exhaustion of giving birth. You have gone through an incredible emotional journey, you have travelled overseas, you have collected a child, and you have the same need and right for that child to have time to develop trust and relate. So I think that adoption leave should equate to maternity or paternity leave, no matter what. And, again, for many of the workplaces, the five-year-old cut-off area was of concern. A child who comes in at six or seven who has gone through a lot of losses has as much right to have a parent who is able to stay home without being threatened with losing their job.

Ms KATE ELLIS—One of the other things we are looking at as we travel to the different states is the different systems in place. You would be well aware that South Australia has had a unique system in place. You spoke about the six-monthly reviews that were done. I understand that the department did a review during 2004 with KPMG consultants. Was that one of the six-monthly reviews, a normal review?

Mrs Priest—No, that was a review of the intercountry adoption process.

Ms KATE ELLIS—So what instigated that special review?

Mrs Priest—I would like to take that on notice.

Ms KATE ELLIS—You might want to take this on notice as well: we have heard about placement breakdowns which happen from time to time. Is there any difference in the rate that that was happening in South Australia as opposed to other states?

Mrs Priest—No. In 13 years there were six breakdowns. I know from discussions in other states that many of those breakdowns would not have been noted by governments, because people often hid the fact of the breakdown and made arrangements on the side. I am very aware that, particularly in the early days, when a lot of older children were placed, in all the states, the rate of breakdowns was very high. Six in 13 years is not high in comparison, particularly seeing that those children were then placed with incredibly good families. In two weeks time I am going to the celebration of an adoption which followed one of our breakdowns, which was sad then but unfortunately that placement was not right for those two children. Yet those children are so secure with the family that are going to celebrate their adoption.

Ms KATE ELLIS—I have no doubt that everybody in this room—and we do have some different perspectives in the room, as we heard during our community statements earlier—wants what is best for the child, which is the reason that I note that. The other question is about child protection notifications. Was that an issue?

Mrs Priest—It is interesting. I am actually working in the area now, and those child protection notifications do not even rate on any scale of child protection. They were people who were concerned, which they should be, and they have a right to ring what we call CAAR. There were concerns and they had to be notified. But if the children had been with a biological parent those notifications would never have made it to a formal level. When you adopt, you are very public. People see that you have an adopted child. They look different; and you are under much greater scrutiny than any biological parent. Our parents took it very seriously. They were incredibly concerned about their care of their children. They were and are passionate about the care of their children. But they are more noticeable in the community and therefore it is more likely that someone will say, ‘That child should not go into child care at 12 months.’ That was one of the child protection complaints. The child was in child care 12 months after the parents had returned. It is the choice of biological or adoptive parents how they want to care for their children.

Inequality is very high. We have legislation that says, ‘If you make it public that you have adopted, you are under threat of a \$20,000 fine for talking about your child.’ When you adopt intercountry, that is a pretty high penalty. Parents do not talk about their children as in talking about their story, but they have a right to say they are proud of their child. When there was a demonstration against the agency being closed, there was a clear statement made on radio: ‘Just remember you could be fined for taking your child in public.’ That is not fair with regard to equality. We are talking about being parents—no matter where or how you become a parent.

Ms KATE ELLIS—We heard that in one other state as well. When you were running the agency, how many parents would apply and be deemed unsuitable?

Mrs Priest—There was a lot of discussion with families before they even put registration of interest in. There was a lot of looking at criteria overseas and looking at what was realistic or not. There were families that were screened out because of health issues that became clear with the department doing their health checks or police checks. It might have been information that came up. If there was a concern in the assessment, I would do an interview with the AFIS manager and we would actually talk the families out of proceeding. We did not have what you would call a failure at assessments. We did not have a lot of assessments rejected, because we did a lot of screening as part of the process. We worked with families. To be assessed as not suitable and to have that stamped on a file is pretty difficult. We worked a lot with people self-selecting out but knowing the process—knowing what countries accept or will not accept. There was a comment that we approved everybody. We did not. We did a lot of work in regard to the number of people who came into our agency.

Ms KATE ELLIS—I am curious about how it worked with an NGO having control of this in South Australia and about what sort of contact you had with the departments in the other states—whether or not you could share information or do benchmarking.

Mrs Priest—We did not have control. We worked in partnership with our department and I thought we worked well in partnership. We were part of the national managers meetings every six months. There was one day that we did not go to that was on the Hague program negotiation. That was fine because we were not there to negotiate programs; we were there to ensure a high level of professionalism. In my role I worked very closely with both federal and state departments. I had very good relationships with states, particularly in Victoria where in 1992 and 1993 Helen Brain, who was the senior manager, and I worked very hard at developing and improving the health clearance process. There were a lot of big concerns in that area, so we worked with the Australian government health service to try and improve that process and get countries to understand Australia's health criteria so we were not being allocated children who could not be cleared, which was devastating for parents. In my role of 13 years, I saw it as very much being part of a team to improve intercountry adoption for South Australian and Northern Territory clients.

Mrs MARKUS—You may not want to answer all of this question but you may want to make some comments: what would you say would be the strengths and weaknesses of an NGO providing the services?

Mrs Priest—I think there needs to be a true team and respect for each other and a state authority overseeing the Hague convention. The Hague convention was a very good thing that came into intercountry adoption because it gave what I think is a minimal but common benchmark for people to start with. As an NGO we were very close to our clients. We worked hard with our clients to ensure the best possible placement for a child. We had the time, while government departments are overstretched. They do not get the allocation of staff that they need. We had staff with cross-cultural knowledge that had been involved in intercountry adoption for a long time. Therefore our clients were getting very up-to-date information.

Also, we had very close relationships with all the agencies we worked with so we could give them clear information and not just what was on the criteria sheet. When I started, in 1992-93, we were placing 26 children a year, but by working very professionally with our department we got to the point where we were placing 82 children a year. That was actually deemed a concern by some of the states—we were obviously doing it too quickly. Part of it was that that was our focus; we were not trying to cover a whole range of issues. Our focus was to try and create the best possible environment for a child to come into. That meant that we did not want people emotionally destroyed and distressed by our process. The rest of the question I would like to take on notice.

Mrs MARKUS—I would appreciate that. In some of our other interviews and submissions it has been apparent that there is often a tension within a government department whose primary core business is to address the issue of children at risk. Within the context of their core business being to assess potential adoptive parents and families and the tensions around that, what comments would you make about that?

Mrs Priest—I think it is often people's philosophies that affect their role. Not all departments support intercountry adoption. There is a lot of pressure against adoption from various different groups. So I think they are often put in the position of being attacked if they support adoption and attacked if they do not. They are put in a difficult position.

I believe the system would be enhanced by an NGO that works independently as a group of professionals, without an adoptive parent as its driving force—there is a strong belief that independence is important—with a strong team and a department which gives it a lot of information so that it can make assessments about allocation. That way it would not feel like one person has got the power over a person's future. It is a very emotional area. It is about the question: 'Will they ever be able to have a child?' I thought the partnership was actually very good. We were working with the families, talking with families outside of the proceedings and developing their assessment. Then it was the department that made the final approval. That meant that people felt they were being heard. There was a whole process in which to be heard and it was not just one arbitrator or one department that made the decision on people's lives.

Mr FAWCETT—We have heard evidence from a range of people—both agencies and parents—about the process in Australia where each state represents a number of countries in the adoption process. One state may look after two or three countries and set up the agreements. As a member of an NGO that I assume has worked across a number of those boundaries, would you like to comment on the effectiveness of that system? Are there discrepancies between how different states manage different countries?

Mrs Priest—In the negotiation of agreements it can be a concern if it is not national and if all state criteria are not being taken into consideration. An example of that relates to the negotiations with Ethiopia. Queensland and two other states did not approve adoption by couples in a de facto relationship. Consequently when the arrangement was negotiated couples in de facto relationships were not considered. The South Australian government, the Western Australian government and I worked very hard to change that, using the Family Law Act to show that the children would be safe and secure.

Unfortunately in some other agreements the states have used their own legislation as the base for negotiating, rather than looking at all legislation. The six-monthly meetings between the states are very important and I believe the federal government—particularly the Attorney-General—should oversee the negotiations much more closely. When we were negotiating with China there was a very close relationship between the then minister for immigration and Victoria. But we need to ensure that every state's interests and legislation are looked after. I think many of the states have done a good job. Victoria is one of the principal states for programs. The Victorians have always been proactive, like we were. They actually know the countries and travel to the countries. One of the difficulties is that when you do not travel and spend time listening you sometimes do not understand the whole process. I think there have been some difficulties in countries running programs. It is not necessarily the hierarchy that should be travelling. It is the people who are actually doing the work, coordinating and overseeing the program.

Each state department has people who are designated to particular countries. They should be travelling when they have got files to talk about. Hands-on work is very different to the theoretical processes that top officials discuss. That is why the agency went well, because I would only go and discuss our cases for South Australia and the Northern Territory. We ensured that there was correct and hands-on information. That made a difference, whereas other states have the difficulty where they do not necessarily understand or acknowledge the overseas criteria. This is what is in our state. Overseas, they have a right to choose where their children go and it is really important that we understand those criteria and explain them to people. Sometimes I think that not knowing the programs really well makes it hard to ensure that we are approving the right families for a particular country.

CHAIR—We would be delighted if we could receive those additional pieces of information from you and we thank you very much for coming today. I would just like to ask a final question. We heard earlier that certain states really only have adoptions coming from certain countries, not all the countries that are available, because of the lead state concept or because they work with another lead state—that most of those adoptions come from a particular source. Is that your experience?

Mrs Priest—An increase in some existing programs has been looked at. South Australia had the good fortune to work with all countries that were accredited under the Hague and the programs that existed prior to the Hague, where we had bilateral agreements.

CHAIR—For instance, China will allocate a certain number of children—a quota for Australia. How is that number apportioned between the states, with Victoria being the lead state?

Mrs Priest—We did not actually have a cap on the number of files we could send to China, which meant that China was matching the files over there. With regard to Ethiopia, there was a cap on the number of files that could be sent, based on per head of population. That meant that South Australia did not get a lot of files allocated, because the other states were bigger. We deemed that not to be totally appropriate, because if you looked at the population of South Australia then you would place more children in other states, based on per head of population. We felt we had a right to make an offer to as many good families as we had.

This also occurred with Korea. We had always worked directly with Korea and then a lead state came in and decided that we needed to control the number of files. Korea has always given 105. One of the problems for South Australia was that they liked working with an NGO. We were able to send more files to Korea and this was changed when the lead concept came in. Again, we felt that Korea should choose the countries, not the lead state. So, in some ways, we have to be very careful that we do not take away the power of the overseas countries to choose who they want to match with.

CHAIR—I understand that their children go to the United States or Australia.

Mrs Priest—Yes, that is true. We work with Eastern Social Welfare Society. There are other agencies in South Korea, like Holt Foundation et cetera, that place further than just the states. But with Eastern, the family has a connection with America and Australia, particularly because of our involvement with the Korean War—he was actually involved with the forces and has a very strong passion for Australia. Again, relinquishing Korean women were choosing where their children went, with regard to the two programs, and Australia increased the number of children coming because the birth mothers wanted their children to come to Australia. They had a choice—not necessarily a choice of state but they certainly had a choice. Korea liked the way we worked and therefore we got that number of files, but that was altered last year.

CHAIR—Thank you very much for coming.

Mrs Priest—Thank you for allowing me to speak.

[2.19 pm]

PETERSEN, Mrs Sandra, Vice-President, World Families Australia Inc.

SANDERS, Ms Margaret Anne, President, World Families Australia Inc.

SMITH, Ms Morgan, Member, Management Committee, World Families Australia Inc.

WRIGHT-SIMON, Mr Matthew Paul, Member, Adoption Support Subcommittee, World Families Australia Inc.

Witnesses were then sworn or affirmed—

CHAIR—Thank you very much for coming. Do you have any comments to make on the capacity in which you appear?

Mrs Petersen—I am Vice-President of World Families and also the Chair of the Adoption Support Committee. I am also the mother of three children, two of which are biological and one is adopted.

Ms Sanders—I am currently President of World Families and a member of their adoption subcommittee and also of their sponsorship subcommittee. I have two adopted children who are now adults.

Ms Smith—I am a member of the management committee for World Families Australia, the chair of the sponsorship subcommittee and the mother of an adopted child who is now 12.

Mr Wright-Simon—I am a member of the Adoption Support Subcommittee of World Families. I have spoken before and, as you know, I am the proud dad of an adopted child, Subin, a little boy from South Korea.

CHAIR—The committee has your submission. Would you like to make an opening statement?

Mrs Petersen—First of all, thank you very much for inviting us here to contribute today. I think it is fantastic opportunity for all Australians involved in intercountry adoptions, and we are really pleased to see it happening. World Families Australia is an adoption support organisation which has been running since the seventies. We also have an aid and child sponsorship side of the organisation which was set up by adopting parents who saw a need to support disadvantaged children in the countries of their child's birth. That is a very strong part of our organisation. Our membership is very diverse. Some of our members have children who are now adults; others are still in the process. People have adopted from many different countries, and we have all come to adoption for varied reasons. One thing we all have in common is that we desire to parent and we believe that our children do not need to be from our biological roots to be loved and supported absolutely and unconditionally in our families.

We would like to bring to your attention two changes that have occurred since writing our submission. The first is the early childhood record book, the blue book, which was very difficult for adoptive families to obtain for their children. Our state department has now organised for these to be available to adopting families, so in South Australia at least that issue is resolved. The second is the maternity allowance, which many people have been speaking about. When we wrote our submission, it was 26 weeks for people to be eligible. We would like to add our voices to the many and say that we believe that, even though we think it is fantastic that it has been raised to two years, our children are all expensive to set up for, no matter what their age. In addition, many children coming through intercountry adoption are given an estimated birth date and often this can be at least a year out, so any sort of age restriction is wrong for intercountry adoption.

We have submitted a sheet with a list of issues that we would appreciate an opportunity to discuss further but, while I have the opportunity now, there is a couple that I would like to highlight. The first of these is the difference that the attitude of each state department towards intercountry adoption makes for the families adopting through that state. Intercountry adoption is found by most people to be a very disempowering process. It is long, it is expensive, it is an emotional rollercoaster and it is very intrusive. Working with a department or an agency that is pro-adoption is very important to us as families who are going through that, so we can feel that the people who have the power over our ability to make a family are actually supporting us in our goal.

There was a lot of anxiety in South Australia when the news broke that the agency was to close. We were quite anxious. A lot of families were scared of a policy being put in place like the one in Queensland, where there seems to be a lot of anti-adoption sentiment. We have been delighted to see that the South Australian government have made lots of efforts towards setting up relationships with support groups by inviting our feedback and involvement. They have recently done a review of South Australian postadoption services. We were all invited to participate in that. The representatives of all the support groups meet with the department every three months. We are really pleased to see those things being put in place.

The second issue that I would like to highlight is this. As a mother of biological children as well as an adopted child, I know that one of the most striking differences I have found concerns the climate that is created through the assessment process. When I was pregnant there was an automatic affirmation that I was going to be a mother, that was okay and that I would be fine. I was very much supported through that. When we started the adoption process, even though we found the assessment fairly smooth sailing for us because our social worker affirmed our ability to parent, there was a sense that you needed to meet certain benchmarks—emotional, physical, health and financial benchmarks. World Families believes very strongly that it is not so much parents' ability to meet certain benchmarks that makes them a good family as much as their ability to love and their ability to commit to a child. It believes that brilliant families take many forms and that parents have many different personalities and so do children. So it is more about a matching process rather than benchmarks that need to be met. The other difficulty of which some families have complained is that some assessments are negatively affected by the conflicting personalities of the social worker and the prospective parents. Another assessment worker may come in and have a very different view of this family. It is a powerless position to be in because of that.

The last point that I would like to highlight is the financial cost of adoption. In South Australia the cost is second only to that in New South Wales. Many people extend the mortgages on their home so that they can choose to have children through intercountry adoption. We do not believe that financial status is a good indicator of a parent's ability to love and nurture a child. When I was pregnant, I would visit my obstetrician and pay a \$10 gap as to Medicare. When we went through our education process leading up to the birth of our children, that process was free. I gave birth in a local hospital for free. But when we chose to adopt we paid thousands of dollars to apply and to be assessed, to go through the education process and then for our paperwork to be put together. As our government is encouraging Australians to increase the size of their families by having more children, we would really appreciate financial assistance for those of us who either cannot or choose not to do that biologically.

Many of the countries that send children to Australia for adoption love and treasure their children. In fact, as for Ethiopia, where my youngest child is from, I have never seen a people more loving and caring of their children. But they have got up to five million orphans and there is no way that they can look after them all in families, so the options for children like my son would have been a life on the streets or in a crowded orphanage. Although World Families believes that the best place for a child is with their birth family or another family within their country of birth, when that is not possible then intercountry adoption is the best alternative. Thank you for this opportunity. We are quite happy to talk about our personal adoption experiences if you would like to ask questions about them.

CHAIR—Thank you very much for that. Your support group is very concerned to see the government either provide postadoption support itself or else give financial support to an NGO to give that support. Do you have a preference as to which it should be?

Mrs Petersen—It is important that there is support that can be accessed that is separate from the government. Many people will not go up to a government provider because, in the first year to 18 months that a child is home, that child, except for those from China, has not gone through the court system in Australia. So many of us would feel quite anxious about going and asking for extra support, because we would be afraid that our child might be taken away. We are meant to have met these benchmarks; we are meant to have proved that we are going to be perfect. Many adoptive parents are quite anxious about letting people know that they are not perfect—that they are human and so are their children.

Mr Wright-Simon—As well as having an adopted son, my wife and I are in the process for our second, so that would certainly put me in that category if I had some issues with the government department here on any of the things that are involved. I would not only fear that perhaps there might be some unwanted intervention on behalf of the government but that my file might just slip down to the bottom and I would never know about it—if I were the suspicious type. I am sure you have heard that heaps. As well as being through the main part of the system for our first child, we have just been approved for our second, whenever that happens. So you do feel vulnerable. I am not shy about speaking, though I am also not naive. I believe that if there is a personality clash, for instance, and you only have one place to go, you are knackered, basically.

Ms KATE ELLIS—I hope we have that in the *Hansard*.

Mr Wright-Simon—That is with a ‘k’.

Ms KATE ELLIS—The first time the committee heard about this anti-adoption sentiment within some departments I remember we were all quite shocked. It has come up time and again as we travel around. Are there any specific examples or do you think it is education, because intercountry adoption needs people at front counters to be a lot more aware of it? What accounts for this anti-adoption sentiment? Do you have evidence of this culture of fear about not speaking out, because that is a huge concern to people we want to be encouraging to reach out and to be the best parents they can? What would you recommend for us to recommend to address the issue?

Mrs Petersen—I do not believe that there is an anti-adoption culture in South Australia. I think we are very fortunate in that. In South Australia the problem is more about the screening of the parents. It is very difficult to screen appropriately to ensure our children can come into safe and loving homes. They have that right, and screening needs to be done. But sometimes it is hard to do that screening appropriately so that people are not being, I guess, prevented from adopting when perhaps they just have some issues they need to work through or perhaps they just have a different personality from the person assessing.

Through my involvement with other support groups and on the national intercountry support e-groups, I understand the people in the ACT and Tasmania feel very well supported by their departments as a general rule, and I do not think there is an anti-adoption sentiment there. The difference there seems to be that they are very inclusive of the support groups and give the adoptive community a voice. In some of the other states, which I know you are aware of, barriers seem to be put up for people to adopt. A lady from Victoria was over visiting recently. She had a couple of biological children and was in a very similar situation to me, and yet she had been told: ‘Go away. Come back in five years. We are not going to approve you.’ I think it varies widely from state to state.

Ms KATE ELLIS—One of the other points you raised in your submission, which I found really interesting, was the information that is available to parents adopting children from overseas as opposed to the information that birth parents get, all through, about the entitlements and the support that is available to them. I am curious whether that does happen in some states—whether some states put together almost a show bag that goes along with your child? I am not wanting to belittle it. Do you think that that is a role that the federal government should take on—that, when the children do come to their new homes, some sort of information pack on all those different grants or benefits that are available is provided? Do you know of anyone that does it better than we do?

Mrs Petersen—I think a bounty bag which had all the entitlements that parents are eligible for would be excellent. I did not have any of the problems that Sue was talking about earlier with the Medicare system, but I had a lot of problems trying to get hold of the maternity allowance. I wrote three letters in the end. I was outraged that it was quite okay for my biological children but it was as though my adopted son was a second-class citizen in the eyes of the government, and so I protested and wrote several letters. I received a different reply to each letter, but suddenly after the third letter I was told I was eligible. Other adoptive parents were having the same problem.

I do not know if it is so much of an anti-adoption thing, but it is as if we are a small slice of the population and people in Centrelink and in the hospitals are just used to dealing with the normal process. It seems as though they do not know what to do with us, so they just give us an answer that they think will make us go away. I think it would be very helpful if we had some sort of a pack that described what we were able to ask for and where to access that support. I think the same sort of thing needs to be set up for supports for families to link into a nuclear community, because that is another area where we really miss out.

Ms Smith—The other issue that I have is that most babies come to you at age zero, but when you adopt a child from overseas they come to you at different ages. Our child was nearly three—he was actually over 2½—and it is quite different having a toddler come into your family in terms of the support and the kind of day-to-day management required. Your children were older still, weren't they?

Ms Sanders—Yes.

Ms Smith—It requires a different kind of set-up. There were some basic things about day-to-day parenting that I failed to understand. You hear a lot about bonding and the psychosocial stuff, but the practical day-to-day things struck me. I think we need supports that take into consideration the age of the child when they arrive and that children at different ages have different needs. Their stage of development is important.

ACTING CHAIR (Mr Cadman)—Could you put together for the committee a list of the glitches that you have identified at different levels of government administration? If you could list them for us, that would be a very useful addition to your submission, and it may help us unravel some of the problems that you have encountered. Would you be able to do that?

Ms Smith—So you want a list of—

ACTING CHAIR—You had one problem with Centrelink. What was the other agency—hospitals? You mentioned two organisations. One was Centrelink.

Mrs Petersen—The other was the public hospital system, when I first took my son there for initial health care.

ACTING CHAIR—We, administratively across Australia, might be able to adopt quite a simple approach that will help resolve some of those problems that you have experienced—perhaps even a card for adoptive parents with precise information on what they need to ask for to make sure that the officer over the counter can go quickly to the thing that they need to access. Would you be able to help us by doing that?

Mr Wright-Simon—Yes.

ACTING CHAIR—It could make a difference to the total administration—and if you could do it for different age levels, as you have just mentioned.

Mr Wright-Simon—Support groups—and we are a support group—have a huge amount of experience to offer government agencies that work with them. We have parented and we talk to

one another and to our interstate counterparts, and that resource is available to those government departments that choose to cooperate and take some of the pressure off themselves. That could be one thing you could very easily encourage the states to do—that is, cooperate to make these services available. The best service of all is being able to talk to other people. It is great to have some guidelines on how to deal with Centrelink or other bureaucratic organisations, but it is much better to talk—

ACTING CHAIR—Maybe we could do a two-way thing here.

Mrs MARKUS—Just on the point about coordination of the support groups, is there a national body or is there somebody taking a lead in coordinating that? You say that you do meet your state counterparts. Does that happen just because you initiate it or is there some national coordination?

Mr Wright-Simon—It is more by email, and it is ad hoc. It is definitely DIY in every way.

Ms Smith—It is not organised.

Mrs Petersen—World Families is a South Australian based support group. I am also a member of AACASA, which is the Ethiopian support group, and that is a national group. In South Australia, since February—and I think even before that—World Families convenes the joint representatives group, which has the reps from all the different support groups in South Australia. We meet together once every three months and then we follow up with a meeting with AFIS every three months as well.

Mrs MARKUS—So would you see some benefits in there being a nationally coordinated approach for those support groups? How would you see that happening?

Mr Wright-Simon—There are healthy differences between support groups and government agencies. If parents or prospective parents do have concerns they can speak with their contemporaries; they might not want to speak to the government department, though at least they can work out a way of doing it.

Mrs MARKUS—I am not saying that the government department should do it; I am just asking whether it would be an advantage for that to happen.

Mrs Petersen—A national support group rather than individual state support groups?

Mrs MARKUS—Often in welfare organisations there are peak bodies, for example, and then they relate to everybody else connected with that. They are not a government department, they are an NGO. They would coordinate conferences and regular information. Would that be beneficial in any way?

Mrs Petersen—I can see with conferences that that would be good, but we have not really thought about that.

Mr Wright-Simon—It is a matter of resourcing as well. I have taken the day off and most people work in a voluntary capacity. We do not have the resources to facilitate or attend a

conference, which is why, late at night, when the little ones are asleep, you get on the email. It is a great idea; without the resources it is quite difficult. People move in and out of being involved in the groups as parenting and other things take you away from it.

Mrs MARKUS—But obviously there is very much a need. You would go hunting for who you could email and talk to and communicate with. There is a need for parents in your situation to do that.

Mr Wright-Simon—Definitely. There is always a requirement, yes.

ACTING CHAIR—Thank you for providing these magazines. While other people have been asking questions I have been absorbed in browsing through them and the delightful stories in them. One thing that caught my eye was single-parent adoption. Is there much of that?

Mrs Petersen—In South Australia, single parents generally do not adopt. They are usually not approved. In Victoria and I think New South Wales, single mothers can adopt, but that is not something that has been available for single mothers in South Australia.

ACTING CHAIR—I will not go into the details of that; I am just curious about the facts. You have got a very interesting organisation in that you sponsor children as well; you look after them in their country. So you have got a sponsorship program as well as an adoption program. What is your impression about adoption within Australia?

Mrs Petersen—Adoption of Australian-born children?

ACTING CHAIR—Yes.

Mrs Petersen—Some of my closest friends are Australian-born adoptees. I am an advocate of adoption; that is why I am here. I think children need to be in families. A personal example of that is my son, who is not Australian-born. He had put on 400 grams in four months whilst he was waiting to be joined with a family. Consequently, at the age of 10 months, he weighed five kilograms—about the same weight and size as my biological children when they were six weeks. Within a matter of weeks he had put on two kilograms. And that was not just an issue of health; it was also an issue of him needing to be nurtured, to be held, to have one-on-one care. Even though the people looking after him in a group situation loved him and cared for him, they could not give him one-on-one care, and he needed it or he would have died. I saw a similar situation in a children's hospital when I worked in the infant ward with failure to thrive babies. Babies and children need families.

ACTING CHAIR—It has been the impression of the committee, as we have gone around, that in Australia adoption is so difficult. We are told in some instances that there are so few children to be adopted and in other instances that there are no parents wishing to adopt, yet there seems to be a growing number of parents wanting to adopt from overseas. Is that being produced by the difficulties within Australia—perhaps, to some extent, the finality that overseas adoption brings? You have to wait but, but once it is concluded, you know that that is it; there is no follow-on.

Mrs Petersen—I have to disagree. The fact that it could be seen as final and that there is just one set of parents might attract some people initially. But I know that in our child's example, and in the case of just about every adoptive parent I know, once you have your child, unless you know that every member of their extended family is dead, that child has a history and has biological roots. It is the experience of most adoptive parents that once they are allocated, or have, their child they love to connect with any biological family. If that is not possible and they are not known, which is more often the case with Ethiopia and India, then you try to connect with their country in any way possible, and that is the biggest gift you can give your child. You see it as more of an extension of your family. Probably what puts people off local adoption more than anything is the lack of numbers. In South Australia—AFIS would be able to give you the numbers—I think there were probably only two to four local adoptions in 12 months. For many people it is just not an option. For us personally it was not an option because we had biological children.

ACTING CHAIR—Matthew, do you want to make a comment?

Mr Wright-Simon—I support what Sandy is saying. I would be delighted for Subin to meet members of his birth family. We keep in touch with his foster family. Subin was looked after for the first six months of his life by Mrs Jeong and Mr Kim, who live in Seoul. They are family; they are extra grandparents—they are quite old and they asked to be called grandparents when he was handed over to us. I feel very close to Subin's carers from Korea. So that finality aspect and whether or not the child is domestically adopted or from intercountry adoption is certainly not something I relate to. I also have other family members here in Australia who are adopted and who have contact with their birth families as well as their regular family or whatever.

One of the things I think is great about adoption of all flavours is that you end up with massive family, whether you are the adopted child, an adoptive parent, a birth parent et cetera, keeping aside all the incredibly complex issues that you have heard heaps about. It is a social thing as well. Domestically there were a lot more adoptions available many years ago and socially things have changed a great deal. The social welfare system is much better in Australia now than it was 30 or 35 years ago, and that definitely has an influence on what happens with adoptions. So there are two parts there.

Ms KATE ELLIS—We spoke earlier about drawing on your expertise from your communications with one another. It is well known that it is very expensive to adopt children from overseas. I am wondering whether, in discussion within your own group, you have thrown around any ideas of what you think is the best way the government could assist with that and whether you want to comment on that or on the fee structure in South Australia, in particular.

Mrs Petersen—I am a strong advocate for no South Australian fees whatsoever—no Australian fees.

Ms KATE ELLIS—Do you mean immigration fees?

Mrs Petersen—I mean no fees for immigration and no adoption education fees. I would like to see money not being a part of the equation. There will always be fees to pay to the overseas country. There are not many parents who would resent that. The money goes into the foster care

of the child while they are waiting for you and into donations toward orphanages. But the Australian side of fees I would love to see abolished.

Ms KATE ELLIS—Are you aware of any countries that have structures in place where, for example, the fees might at least be tax deductible?

Mrs Petersen—Yes. In America they are tax deductible. I think it would be ideal for the fees that people pay to the overseas countries to be tax deductible but for the South Australian or Australian fees to be gone. I am an idealist; I am a dreamer.

Ms KATE ELLIS—We will put that to the South Australian government a bit later in the afternoon!

ACTING CHAIR—Thank you very much for appearing and for your contribution. We look forward to a follow-up. Do I have authorisation from the committee to have the extra documents provided by WFA—one supplementary submission and three exhibits—to be included as exhibits? There being no objection, it is so ordered.

[2.51 pm]

HOLDEN, Mr Nigel Phillip, Vice President, South Australian Chinese Adoption Support

STEWART, Mr Mark, President, South Australian Chinese Adoption Support

Witnesses were then sworn or affirmed—

ACTING CHAIR—Welcome. Thank you for appearing before the committee today. Do you wish to make an introductory statement?

Mr Stewart—We appreciate the opportunity to appear before the committee so, on behalf of South Australian Chinese Adoption Support, SACAS, I thank you. Adoptive parents understand the need for an approval process for overseas adoptions. In fact, many of us think that all parents should go through something similar. We recognise that the process in South Australia is one of the better ones. Adopting from China takes much less time and involves far fewer hassles than many programs with other countries. At best though, the application process is still a gruelling experience. At its worst, it can be a nightmare—arbitrary, demoralising and incredibly invasive. A lot depends on your own approach; however, the attitude, knowledge and experience of the officials that you deal with also play a big part.

By the time we adopt, we would be among the best prepared parents in South Australia and also the most heavily scrutinised. Unlike most parents, we have to prove ourselves before our children come into our care. It is the nearest thing to having to obtain a licence to have a child. The cost of that licence for a first adoption in South Australia is \$8,200 in state government fees. For second and subsequent adoptions it is less, but not much less, at \$7,450, and you have to go through the same approval process—it is as though your first adoption had never occurred. The total cost of an overseas adoption in fees, charges, travel et cetera is over \$30,000. This does not include many set-up costs or the previous financial sacrifices that many couples have made, particularly for those who have been through repeated cycles of IVF.

SACAS believes that there is a need for a code of practice covering approval of parents for overseas adoptions. This should probably occur at the national level, based on what we hear about similar issues in other states. Our suggestion is that such a code should include a requirement for full transparency in state government fee structures and consistency in those fees. In fact, no fees would be better, as Sandy has already mentioned. There should be only one criterion for applicants, which is that they will make good parents. The requirements of the country they wish to adopt from should take precedence. For example, China allows single people to adopt. So why does any state need to legislate otherwise?

There should be standards for dealing with applicants—that is, with sensitivity and understanding, rather than looking for problems that are not there. There should be minimum competency levels established for those involved in assessing and approving applicants and the provision of appropriate training. Previous approval processes should be recognised. Finally, independent bodies should review decisions not to approve applicants. South Australia appears

to be the only state where the minister has a role in such reviews, and we do not believe that this is appropriate, given his significant working relationship with the original decision makers.

Couples adopting from overseas do so in an equal partnership. There is no way of knowing in advance who will be best suited to being the primary carer on return to Australia, because the child can bond strongly with either parent. This point needs to be taken into account when accessing parental leave entitlements for adoptive parents. Whatever the entitlement, which should be at least equal to maternity leave, it needs to be the same for mothers and fathers.

The fact that children are adopted at different ages should also be taken into consideration. An entitlement to return to work part-time following parental leave that ends when your child turns two is a bit useless when you have adopted a three-year-old. A similar problem exists with the Commonwealth government's paternity payment scheme, which now applies to adopted children up to the age of two. Older children still have the same set-up costs as any new child, and often they are higher for shoes, clothes, food, school fees and other things.

We certainly make the most of being parents and, in line with current thinking on adoptions and because we instinctively feel that it is right, we celebrate being families formed by adoption. We also encourage our children to be proud of their birth culture. The only problem is that there is a limitation on doing so publicly. Most states have some form of legal restrictions on identifying parties to adoptions. However, the South Australian legislation is particularly onerous in this respect, as we know you have heard before. The justification is that the rights of the child are paramount. Fair enough, but as parents we are the guardians of those rights and we should not need anyone's approval for making our own decisions.

There is a certain irony in that earlier this year the South Australian Minister for Families and Communities making public statements about our rather small community of adoptive families a few weeks ago. These statements would, as we understand it, normally be subject to a media restriction under other legislation. At the same time, we were receiving some rather heavy-handed advice from the state government about what we could not and should not do in terms of making public statements of our own. If there is any way that the committee could have some influence in removing these shackles—not least so we can properly respond when public comments are made about us—we would greatly appreciate it.

Mr FAWCETT—I have a couple of simple questions first. You mentioned having an independent body to do a review. What would you see being a suitable body to do that?

Mr Stewart—It is hard to know. I know other states have independent bodies. The minister gets involved at the early stage and can decide whether a review takes place or not. We do not think that is appropriate. It needs to be somebody completely separate from the process. The minister can approve a board to review the decisions, but again it is the minister appointing the board.

Mr FAWCETT—I am not sure how broad the network of the South Australian Chinese Adoption Support group is, but one of the submissions we have received—and in fact we have a couple along this line and one person has provided us with photographs of orphanages around the country—says that in China orphanage are quite large structures with many orphans in them but there is only one official agency that Australia deals with, which sometimes says: 'There are

no more children from China. Thanks for coming.’ Through your network, are you aware of children coming from China via any other means, whether that be through expatriates adopting them from China et cetera? Do you have any feel for the level of need over there? We have had some reports indicating it is far larger than the official agency is saying. Are there any avenues other than the official agency through which people are adopting?

Mr Holden—My understanding is that all of the adoptions are coordinated through the CCAA, which is the Central China Adoption Authority. That is as far as my knowledge goes on that issue.

Mr Stewart—I think it is fair to say, though, that the program, certainly in South Australia, is growing like crazy. We are absolutely swamped with demand from people coming on board. Something like half of all new adoptions in South Australia are from China. It does not seem like anybody from South Australia is being turned away. We are aware that there is a big problem with orphanages in China that may not be part of the program but, as you can appreciate, it is a very big country. The proper processes that were alluded to before in terms of making sure that everything is running the way it should at the overseas end would be a major issue in China.

Mr FAWCETT—My last question comes back to your comment about public comment. Other than when there is a contentious decision, such as earlier this year—and there is some argy-bargy that goes on between various groups, departments, ministers and things—do those prohibitions have a practical day-to-day impact?

Mr Stewart—For sure.

Mr FAWCETT—Can you give us some examples of what they are in the normal day-to-day life of you and your child?

Mr Stewart—The media restrictions under the act include things such as public display without defining exactly what public display is. With regard to our web site, technically we may be breaching the law. Nobody knows for sure. The only way to know for sure is for somebody to go to court and be found either guilty or not guilty under that legislation.

Mr FAWCETT—Many schools now ask parents: ‘Are you happy for your child to be photographed and put on the cover of our magazine, with or without their name?’ Are you able to do that or are you forbidden to allow that?

Mr Stewart—We really do not know. We do not know the extent of it. I have had some legal advice for that. We really do not know the extent. If I remember correctly, Robert Lawson QC—who is the shadow Minister for Families and Communities, again, if I remember correctly—made a comment that maybe even Tom Cruise and Nicole Kidman could be prosecuted under South Australian law or the *Advertiser* could be prosecuted for mentioning them because the scope of it is so broad. It covers adoptions under South Australian law and adoptions under similar laws. So we really do not know and I do not think anybody wants to take the chance to find out.

Mr Holden—These are daily events that are occurring. In fact, only two days ago my wife was contacted by a child-care agency that we had registered with and was asked whether she

would care to assist them in promoting their particular business. Her response was: ‘Yes, I am delighted with the service I’ve been getting from you. However, I’d better just check.’ As a parent, to have to check that you can publicly display that you are a family is somewhat distressing. As Mark said, the proof of whether we can do this has to go to a legal case. We have accepted that particular proposal but on the understanding that we are not identified as an adoptive family. Hence, my wife will be appearing in a publication but not I. You have to be very thoughtful of these things.

Mr Stewart—AFIS have made it clear that they are not going to knock back permission that they can give under the legislation but you have to contact somebody if you want to have a picnic, if you want to put somebody up on a web site, if you want to appear, as you say, in the school newsletter or child-care newsletter or even if you want to appear in the paper—anything other than at these proceedings, as I understand it. It is great to be able to say: ‘I’m Mark Stewart. I’m an adoptive parent.’ But I cannot do that on the public record anywhere else.

Mr FAWCETT—Is your wife Chinese?

Mr Holden—No, she is not.

Mr FAWCETT—Then isn’t it somewhat obvious?

Mr Holden—Her husband may be. I guess that is the point.

Mr FAWCETT—Can you walk down the main street with your child?

Mr Holden—Exactly. I guess that is one of the points I would like to make. With regard to the issue that Susan Priest raised earlier about the radio comments about identification of adoptive parents, I was in China, the largest communist country in the world, at the time of adopting my daughter with my wife and I was treated with absolute respect and courtesy by every government official. Upon returning to South Australia I was greeted, I suppose, with a climate of what could only be described as fear and intimidation amongst many adoptive parents. I certainly felt that way. The irony of that was not lost on me.

CHAIR—Does anyone know why this is in the legislation?

Mr Stewart—I have mentioned this to AFIS many times. In my view, I can understand why there would be some restrictions based on Australian adoptions—that is, adoptions within Australia—and the legislation was written when there were still more local adoptions occurring. It would be unfair to identify a party to an adoption if, for example, the adoptive child did not know that they were adopted or you identify somebody who has relinquished a child. That does not apply in our case. My daughter is three and she knows exactly where she comes from. If you ask her she will tell you she was born in China and that she was adopted. We have been asked by both the NGO and the department to have that view. It is something that comes naturally to us. Our children are adopted. They are proud that they are adopted. We are proud that they are adopted.

CHAIR—It is a hangover from the attitude in the sixties and seventies about which we heard earlier in the day.

Mr Stewart—Very much so, and it may still be very useful. The idea that, as it has been put to me, the press could run off and make statements about us and seem to downplay the fact that our children are adopted—‘She’s only adopted’ or ‘He’s only adopted’—I find patronising, I have to be honest. It is a hindrance to us in our goal. Our organisation has a stated goal to promote the Chinese adoptive community. We are very keen to do that. We do not like doing it with one hand tied behind our backs and, certainly, do not like doing it with a chance that we might be hit with a \$20,000 fine. What a prosecution like that would do in terms of our ability to adopt a second or subsequent child I do not like thinking about.

CHAIR—We have detected right across Australia in the process of taking this evidence that there is an anti-adoption culture. It is almost as if the pendulum has swung completely the reverse from the practices, which everybody now says were terrible to do to young girls: the way they were derided, told they were bad people and all the sort of nonsense that went on. Nobody ever wants to see that happen again, but the pendulum seems to have gone a full 180 degrees and the idea of adoption itself being not a good thing seems to permeate. Did you find that in your dealings?

Mr Stewart—There was total support from family and friends. I think just about everybody in Adelaide—

CHAIR—Bureaucracy, I am talking about.

Mr Stewart—Maybe if I can set a context: Adelaide is such a small place that just about everybody knows somebody who is adopted from overseas. The community is growing. In terms of the bureaucracy, for the most part my own experience has been good. We are working closely with AFIS in terms of developing education programs. We are giving support to families and passing out information. We definitely have a much bigger consultation role than we previously had, and I think that has been excellent.

CHAIR—We will be hearing from the South Australian government later today but in their submission they literally seem to make a comparison between adoption and the stolen children generation, which is bizarre.

Mr Holden—Admittedly, as I have pointed out, we left to adopt our child at the time the agency’s work was taken over by AFIS, so I have had few dealings with AFIS in terms of process, other than the initial meeting.

CHAIR—In general, did you find that worked well for you?

Mr Holden—I found them relatively supportive of adoption as a concept, and many of them were adoptive parents themselves. They gave us probably one of greatest gifts in the education provided to us, which was exposure to young adults who were adopted from overseas. Those people are invaluable, and whatever decisions are made I hope that you have heard from people around the country that it is critical that these people are involved in the education of parents. I have to say that, in my first meeting with AFIS, there was a passing comment from a senior official that adoption was something that they disagreed with in principle. At the time it was quite shocking, but through the process, when you are dealing with bureaucrats and social workers, you tend to appreciate that there is a lot of what I would call professional idealism.

We heard World Families talk before about the fact that they believe, and I share their belief, that ideally it would be wonderful if these children could in the first instance not be abandoned or relinquished and that they could find adoptive families within their own countries. But that is not a realistic solution and, unfortunately, that is why intercountry adoption is the next best option. We hear these passing comments that I call professional idealism, and I do not think the professionals and the bureaucrats who make these statements fully understand the impact that that has on a prospective parent. You are well aware of the history that those parents might have leading up to that first contact with the department—it can be quite shocking. Having said that, it was one comment in a three-year process which was very positive.

Mr Stewart—I think the bigger issue is their lack of preparedness for dealing with us. That is what I have an issue with, not their general support for what we are doing; their ability to properly support us is the bigger issue. But we are working with them and it is early days for the government agency.

CHAIR—People have voiced this before. Do you have a concern, as we have a concern, about the unit for overseas adoptions being within a department which is dealing with dysfunctional families and children that applies the same sort of test to people who are not dysfunctional?

Mr Stewart—That has been our experience, yes. I think we mentioned that in the statement. From direct personal experience, I think they have gone looking for things which are just not there. My wife made a comment about having vague memories of her childhood. That seems to have been taken as something sinister when it wasn't; it was just that she does not remember anything special because it was a fairly boring, normal childhood. I remember every single thing that happened to me. I consider myself more unusual in that respect. I was not questioned because I remember everything. I think that happens. They are looking for things that are not there; they are jumping at shadows.

CHAIR—I often wonder when they inspect the cupboards what they expect to find.

Mr Stewart—Can I add to that. My wife made exactly the same comment on our first application for a child, which was successful. It was not questioned but that was under the NGO.

Mrs MARKUS—Are you saying there was a different philosophical approach and assessment process? Could you describe the difference?

Mr Stewart—It was more touchy, feely from AACAA—better as a parent in dealing with them. Sometimes their lack of bureaucratic processes which do need to be in place was very frustrating. It is really hard to say, given the newness of the new process, but we are certainly working with AFIS to improve that. AACAA were certainly more approachable; they were much easier to contact. You could walk in at any time, as my wife and a number of other people did. You could go to their offices and sort things out, as we needed to do and you always need to do. With AFIS we had some real problems, again, particularly early on. Many of those have been fixed, but the information I am getting from a lot of people is that a lot those problems have not been fixed to a satisfactory level.

Ms KATE ELLIS—Can I clarify what you said about the statement being questioned by the government department but not by the NGO. Do you think that that implies that the assessment was an easier process through the NGO?

Mr Stewart—No, it was the same. It was signed off by the same people. It is just that somebody was jumping at shadows. I think there were issues with the social workers doing the home visits under the NGO. A lot of people had difficult times. As I think I mentioned, a lot of it came down to the individuals you were dealing with during the process and that is still the case. I am still getting that direct feedback from people who are going through the process now.

Mr Holden—Absolutely. The level of consistency, particularly between the home visits and the social worker visits, is quite obviously different. The feedback that we get from people who have adopted from China and from our meetings is that they can have a wonderful experience or they can have a nightmare, and lot of it depends upon personality. It has proven to be one of the most distressing parts of the process for many.

Ms KATE ELLIS—Can I ask a question on something quite different. Mark, in your opening statement you said that as part of a national code you thought there should be transparency of fees.

Mr Stewart—Or no fees, as I say.

Ms KATE ELLIS—Okay, but let us go back to the transparency of fees. Does that imply that in South Australia you do not know what you are paying for? Do you get a breakdown of where that money is going?

Mr Stewart—To a point. I will give you an example. I am running an information session tonight, on behalf of AFIS, for people who are looking to adopt from China. I am actually paying to be there as a presenter, because, as it is being put to me, I am subsidising other people going through the education process.

Mr CADMAN—As a presenter you are paying to appear?

Mr Stewart—Yes. We get a slight discount because it is our second time around.

Mrs MARKUS—So everybody else is paying for Mark to be there as well on the assumption that that education session is paid for.

Mr Stewart—Part of the fees cover the education session. The only education session my wife or I have done a second time around was me attending a brief information session—not an education session—which was compulsory, and only I attended. The only education I will be attending is the session I am running myself.

CHAIR—South Australia has given us a breakdown of fees: standard fee, \$600; reduced fee, \$450.

Ms KATE ELLIS—Yes, but my question is whether people know why they are paying \$600. Do you know what that is going towards?

Mr Stewart—No, not really.

CHAIR—That is to open the file.

Mr Stewart—Looking back at the changeover, one concern I had at the time was the lack of a business case. When the NGO finished up and the department was taking over, we had an open session meeting. A lot of us as concerned or potential parents went along. I asked a question about the business cases being done. The minister made clear statements that there were going to be efficiencies in this new process. We have not seen those as yet.

CHAIR—We have found that in a number of other states where the fees were put up dramatically—New South Wales being one—they put up the fees for overseas adoptions but they did not put up the fees for domestic adoptions, which sends an immediate price signal that they do not like overseas adoptions. It is a disincentive to embark upon the process.

Mr Stewart—Our fees strictly speaking have not risen, but we have not seen the efficiencies that we were supposed to get from the NGO being removed from the process. That was something that at the time was questioned: ‘Why aren’t the fees going to be any less?’ In fact, you now pay more up front to the government than you used to pay in fees. You pay more, earlier, and that has a financial impact on people, whether you like it or not. One of the things that I have questioned, and I am still questioning, is the \$3,000 before you get to stage 2, which is where you decide whether you are going to adopt or not. You pay \$3,000, and my concern—and the concern of quite a few other people—is that you could get to that stage and feel that you have to carry on because you have paid \$3,000, when maybe you are not sure that you want to.

CHAIR—Good point. Thank you very much for coming; we appreciate it very much.

[3.18 pm]

BEARE, Ms Cynthia, Manager, Adoption and Family Information Service, Department for Families and Communities, South Australia

LUCAS, Ms Jeanette Anne (Jeanie), Senior Project Officer, Department for Families and Communities, South Australia

SQUIRES, Mr Rod, Director, Adoption, Refugee and Volunteer Services, Department for Families and Communities, South Australia

Witnesses were then sworn or affirmed—

CHAIR—Welcome. We have your submission, for which we thank you, and we thank you for coming today. You have been in the audience for a bit and have heard some of what others have had to say, but I wonder if you would like to make an opening statement.

Mr Squires—In South Australia over the last 30 years, there have been some 1,587 children that have been adopted through the intercountry adoption program. I have been involved on different occasions for 27 years of this experience. There have certainly been a range of initiatives that have been taken to regulate the activities that have been occurring in the intercountry adoption program. The development of the bilateral agreements and the Hague convention have provided a very important framework in which intercountry adoptions programs need to be managed.

More significantly, within South Australia in 2004 there was the departmental review of the intercountry adoption program. The review was conducted into the delivery of the intercountry adoption program by the strategy and review section of the department. There was also expert consultation from KPMG. There were a number of public consultations and consultations with key stakeholders, and written and verbal submissions were received. The KPMG report said:

The review recommended introducing further layers of bureaucracy to resolve the problems identified. However, the government was not persuaded that further layers of bureaucracy were desirable or likely to be effective.

The government was concerned that the care of children under the guardianship of the Department is core government business pursuant to the Department's mandate. This was particularly in light of the significant number of adoptive placement breakdowns and child protection notifications for children placed from overseas and awaiting a South Australian adoption order, and a detailed analysis of a particular adoption process which broke down.

After consideration of the review outcome and other significant information available to the government within the context of the government policies in relation to the care and protection of children, Cabinet decided that all intercountry adoption services should be provided from within government, thus taking direct responsibility for the outcomes for children subject of intercountry adoption.

The other significant issue, which has been more recent, has been the amendments to the age, residency and placement criteria in the Adoptions Regulations 2004, which came into effect on 25 August 2005. The improved service standards state:

The amendments removed age as an obstacle to making an application for adoption and for being placed with a child. The amendments also lowered the time gap between placements to 12 months from 2 years. Technical changes were made to the residency criteria for application, assessment and placement of a child to ensure that the applicants are resident and domiciled in South Australia at significant periods in the adoption process.

I think these amendments were well received by the intercountry adoption community, and approximately 70 families were positively affected by the changes.

You have our submission. It does outline the fee structures that have been commented upon. We can take questions on notice that will arise. I think the other significant aspect has been the recommendation of the state government in our submission—namely that the adoptive families have access to all payments, benefits and financial or other support currently universally available to families. We want to highlight this important recommendation. Cynthia, I do not know whether there is anything you want to add.

Ms Beare—I want to open by saying that, in my nine years as manager of the Adoption and Family Information Service, the thing that strikes me is the wide spectrum of opposing views in the adoption community and in the community as a whole about adoption. It is often a controversial topic. There are people in the community who are very anti-adoption. I was personally and professionally affronted by the comment that somebody from my unit—I do not know if it was implied that it was me—was anti-adoption, so I want to correct that statement to start with. I know there are anti-adoption people in the community who think that adoption should never occur under any circumstances and that the transracial placement of children should never occur, and that there are people at the other end of the spectrum who think that all children in disadvantaged circumstances in Australia and in the world should be removed from those circumstances and placed into adoptive families. So I think the adoption arena is challenged by finding a balance of those often irreconcilable views, and that is often a difficult place to be.

CHAIR—How many Australian-born children were adopted in South Australia last year?

Ms Beare—There were four or five—a very small number. There have been about three to six adoptions per year for the last six to eight years—a very small number. Each year, a number of people who are considering relinquishing their babies for adoption approach us, and a few ultimately choose to do that.

CHAIR—How many children are in foster care or other forms of out-of-home care?

Ms Beare—Out-of-home care is not my field, so I would not be able to say the number.

Mr Squires—There would be approximately 1,200 children in South Australia in out-of-home care at any period of time.

Ms Lucas—Approximately eight local families approach us considering adoption for their child for every child that is finally adopted, with a few fluctuations in that number.

Ms Beare—These days, people mostly choose to keep their babies if they are supported and able to do that. Sometimes I am not surprised that there is only a small number of people who choose adoption for their child. These days, when their family hears about or know about somebody having a baby and wanting to relinquish the baby for adoption, the family is more likely to support that person to keep their baby rather than encourage that person to give their baby away for adoption. It is often grandparents and other family members who persuade people to keep their child.

CHAIR—One of the things we have found is that there is an attitude that the biological link must be maintained at all times, and it does seem to come out of the bureaucracy, although I am please to say that two jurisdictions are starting to rethink it. There is the thought that so many children do not have the benefit of having a family environment in which to grow up—that they will always have ward status or are in foster care or some other form of government sponsored care—whereas there would be the opportunity for them to have a family. This attitude seems to spill over into the overseas adoption area, which is how we became familiar with it. But, as I said, there are at least two jurisdictions that are starting to rethink it.

In New South Wales we have seen a couple of terrible examples of what has happened where there is a biological link and an insistence that a child is placed back with parents who are clearly dysfunctional, resulting in terrible tragedy. So one of the things we have been looking at is the concept in play in other countries, which is that perhaps a biological family should have only a limited period of time, such as two or three years, to get their act together. If they cannot, then they cannot intervene further in the child's life and the child could be adopted into a family and have an opportunity to grow up and have that love and affection. What would you think about that?

Ms Beare—It is hard for me to comment on that, because my unit deals with people who approach us to relinquish their babies for adoption. We do not deal with children who have come into care through the child protection system, which is another part of the department altogether. Ours is the adoption service where people who do not want to be parents come; they are wanting to choose adoption for their child. There is a whole different set of issues where people are not choosing adoption for their child.

CHAIR—What about you, Mr Squires?

Mr Squires—You are referring to permanency planning.

CHAIR—No, permanency planning does allow biological parents to intervene. In the scenario I have put to you, biological parents would not be permitted to intervene.

Mr Squires—One of the concepts of permanency planning is the cessation of the natural parents' involvement with their child and the formalisation of the child into a new family. That is certainly my understanding of it. There have been various policy consultations about this as an option; but it has not been agreed to, either within the department or by the government, to

embrace the permanency planning or permanent care that a number of the other states have either approved or are currently exploring.

CHAIR—So South Australia has not moved on that issue.

Mr Squires—No, not in terms of making decisions on it.

CHAIR—Can I ask you about this question of publication of adoptive families. To me it is like living in a police state. It is horrendous. There is nothing that would stop you, as a bureaucrat, putting up a minute to the minister and saying, ‘It would be a good idea to get rid of this,’ particularly after you have heard how it affects individuals and how it claims such an extraterritorial reach—which is mind-bending in itself.

Mr Squires—I think we would not share some of the claims that have been made.

Ms Beare—People seem to be unnecessarily anxious about something which does not need to be a problem. There is nothing to stop people from putting children’s photos on a webpage.

CHAIR—But that is not what is being said. So why don’t you put up a minute to say, ‘Get rid of it’? Settle the matter once and for all.

Ms Beare—It would need to be considered. There are some aspects to the identification of people in the media as parties to adoption where adoptive families, adopted children and adopted people as grown-ups can have some protection from other people identifying them as adoptive parents and giving an impression that in some ways they are not real parents but adoptive parents, or saying that a child is their adoptive child rather than their son or their daughter.

CHAIR—I would have thought it was blatantly obvious.

Mrs MARKUS—Shouldn’t that be their choice? If they were biological parents, it would be their choice—or their children’s choice as they became adults—about how they engaged or did not engage with the media. Shouldn’t that be their choice?

Ms Beare—Certainly if there is a positive slant on it, nobody is worried.

Mr CADMAN—Isn’t this quite a non-positive slant: they have got no choice?

Ms Beare—It is just that if somebody else identifies them or their child in their adoptive status without their permission, they then have the capacity to say, ‘You cannot do that.’ There are some protections in it for adoptive families—and also for people—

Mrs MARKUS—I can understand your concern about the media not protecting children’s or parents’ perspective, or maybe pictures being painted that do not respect or protect people. But, irrespective of that, for everybody else in the community it is a choice.

Ms Lucas—I have an example, if that would help. I was formerly the senior social worker in this unit and responsible for the placement of children in the Australian-born adoption program. There was a matter some years ago where the adoptive mother of a child I had placed wrote a

story about it with a lot of colour photographs of the family and the child. The child bears a striking resemblance to the birth mother and she saw the article at the hairdressers and had a really distressing response to it. That is the kind of scenario that this legislation attempts to address.

Mrs MARKUS—Would that be the same situation for somebody who has been adopted from overseas?

Ms Lucas—I think Mr Stewart probably has a fair point in that, for some of the issues, it is kind of a sheep-dipping sort of thing. By the same token, I think there is often a view that birth families are over there some place and do not have access to our media, whereas in fact they do. While the example that I gave was specific to a local adoption, there is nothing to say that a similar kind of article would not be accessed by a silent member of an overseas adoption.

CHAIR—Supposing it is? There is nothing shameful about adoption.

Ms Lucas—But it may be that the birth mother has not told a soul.

CHAIR—With respect: she is not named in the story. The reality is that it is the adopted child who is named. How is it that in every other state and territory of Australia they seem to be able to cope with it but there is something special about South Australians?

Ms Beare—I do not think that is true.

CHAIR—You are the only state with such a piece of legislation. In Queensland, for instance, you cannot publish until the adoption order is made. In the case of Chinese children, of course, it is made in China. It just seems bizarre to me that the rest of Australia can manage quite well but here in South Australia you are such a protected and special species that you cannot cope. I think the *Australian* had an article about that. I thought it was a nutty article—I am not so sure now.

Ms Beare—I cannot comment on what the other legislations say about it; it just does not seem to be—

CHAIR—But this is precisely the sort of thing that we are looking at—the dysfunctionality of the differing laws across the same country. It is crazy. Perhaps someone ought to put in a private member's bill, because you can see that people are operating under fear. In this whole area you hear: 'We don't dare complain to the department because our file might slip.' The fact that you are good, honest, decent public servants and are not going to do that sort of thing does not alleviate the fear—

Ms Beare—Of course not.

CHAIR—because it is not a transparent process.

Ms Beare—I can understand the anxiety of people who come into the adoption process. Many of them have gone through years of IVF and have had a very unfortunate journey on their path to becoming parents. I know that, for many, adoption has not been their first choice and many come

to us reluctantly as their last chance for becoming parents, or by choice as a way of adding to their family by adoption. I know that it is really difficult for them.

CHAIR—We heard somebody today give evidence that they decided when they were 18 years old that they were only going to adopt.

Ms Beare—Yes. We certainly get some that have decided that at an early age and some that have decided that at quite a late age as well, having come through sometimes seven or eight years of IVF. I had somebody who had three stillborn babies who finally decided on adoption and after an incredible amount of grief began the adoption journey.

Mr FAWCETT—I think the issue is partly that somebody who decided at the age of 18 to adopt and who has every potential to have a biological child and, if that fails, still has IVF as an option, has a degree of frustration and phobia about the department and the process. Surely that speaks to the fact that there is, at the very least, a communication problem, if not in fact a structural and process problem.

Ms Beare—Yes. I think that is one of the things that has certainly been characteristic of the South Australian model. I know that there were some strengths in the way that things operated before the change earlier in the year, when people had a lot of their face-to-face contact with an agency. We were the unknown people; nobody had ever seen us. So there was a sense that we were, somehow or other, very removed from the process rather than—

CHAIR—You are regarded the same as bureaucracies in every other state and territory. It is the same culture of fear. Mr Squires, you spoke about the review of intercountry adoptions by the strategy review section and KPMG, and you identified problems. What were the problems?

Mr Squires—The problems really related to the need for more adequate standards and a raft of other governance arrangements between AFIS and the agency that was in place at that time.

CHAIR—How were the standards lacking?

Mr Squires—Cynthia, you were on the review at that time.

Ms Beare—I think one of the real difficulties for families was that they had to deal with two agencies here, and that did create a lot of duplication and confusion for people.

CHAIR—I have to say that they seem to like the NGO better than they like you.

Ms Beare—That is typical of a model where you have, on the one hand, an agency which is advocating for people and, on the other, a government agency that is responsible for maintaining standards and making decisions. So I am not surprised.

CHAIR—I would like to hear the basis on which you said that there were not adequate standards—examples, please.

Ms Beare—Okay. One of the things that were outsourced to the agency outside of government was the process of assessment of families for adoption. That was contracted to the agency, which then further contracted it to a contract worker, who then went to see the family.

CHAIR—That is really the same thing. You do not employ the social workers; you outsource it.

Ms Beare—We contract a social worker directly, yes.

CHAIR—What is the difference?

Ms Beare—I guess one step removed is the difference. One of the things that was known previously that was a problem was that the social workers doing the assessments would write a family assessment report and, where there were problems or risks in the family, they would write an addendum report to that assessment which articulated the risks in the family—the difficulties, the reasons why they might not be approved. On one occasion, where I first became aware of it, we were provided with the family assessment report and not the risk assessment that went with the family assessment report. When that was raised, it was answered that it was an administrative error that they had forgotten to forward that.

CHAIR—Was that a one-off example?

Ms Beare—No. Since that time I have known of an assessment worker who says that in 12 months she wrote six of those reports on families that she assessed, and I know that I did not see one of those.

CHAIR—How many would you have seen—six out of how many?

Ms Beare—I see about 70 in about a year, but that was—

CHAIR—And was that six in the same year?

Ms Beare—Yes. So I think that having the responsibility for making a decision about whether a family is going to be a safe and stable place for a child to be and not having that information could be described as a difficulty in a system where agencies need to be working very closely together to discuss risks in families so that we are confident that, where we are making a decision on behalf of a tiny little person in another part of the world who does not have a say in the family that they will go into—

CHAIR—But they will have one, as distinct from none. They are getting a family, as distinct from not having a family.

Ms Beare—But they need to have a safe, stable and happy family, when we have the responsibility of finding a family for a child.

CHAIR—Absolutely; I agree.

Ms Beare—And, if there are risks there, it does not necessarily mean that people will not be placed with a child; it can mean that they are placed with a different kind of child or that there is something else that needs to happen before they are placed with a child.

CHAIR—So was that the basis for getting rid of the NGO?

Ms Beare—No, there were numbers of other issues relating to records management, as well as the—

CHAIR—What sort of records management?

Ms Beare—For a number of years, we had been addressing the records that were kept about an adoption. We have a responsibility to a child in the future to have a good record of how they came into that family.

CHAIR—So you are talking about archiving?

Ms Beare—Just basic recording. So we had been addressing that, but now that the files have been consolidated it is apparent that the files were quite seriously inadequate in relation to a child's adoption. Some of the other things were families—

Mr FAWCETT—In what sorts of areas were they inadequate? What sorts of details were missing?

Ms Beare—All the communication between the agency and the overseas country in relation to the placement of the child—for example, records of interviews, phone calls with overseas countries or with clients. We have a code of practice around the keeping of files and it is a requirement of the Hague convention that we keep a good record of a child's early life for them so that they can access that in the future if they want to.

Ms KATE ELLIS—The submission from World Families Australia refers to this review. Is this review a document that our committee might be able to get hold of?

Ms Beare—Yes.

Mr Squires—We could arrange for the committee to have a copy of it.

Mr FAWCETT—Which version can we get hold of?

Mr Squires—You can have both versions. There is the departmental report, and then there is a KPMG report being released to the public.

Mrs MARKUS—Cynthia, in those situations where the files were inadequate, were they recent or longstanding or a mix of both?

Ms Beare—Both. One of the other difficulties was that we became aware of families having been offered children before they had been assessed or approved for adoption. There were a number of cases where that had been occurring.

Ms KATE ELLIS—Can I say, as a South Australian, that I was a bit worried that we were going to hear some of the horror stories that we have heard in some of the other states. It is really delightful that that has not happened today and that even people with criticisms have said that they think the department has a good attitude and is working to make the system even better. I think that is fantastic. I have a question about some of the laws in different states. I understand the Victorian government has indicated that prospective adoptive applicants are required to have a pregnancy test. Do we have anything like that in South Australia?

Ms Beare—We do not. I have had a couple of cases where people have become pregnant just before the placement of a child. We address it through the preparation for adoptive parenting: that people are required to not be giving birth to their own child in the time after a newly adopted child comes into their care and needs their attention and support.

CHAIR—Why?

Ms Beare—Because an adopted child is a very vulnerable person and needs to have a mother and a father that are going to be totally devoted and committed to them in the transition to their new family. If people are pregnant and expecting to give birth to a child, that can be associated with all sorts of issues: the pregnancy, the birth and a birth child coming into the family. It is about having a mum and a dad who are going to be committed and devoted to their needs when they come into the family.

Ms KATE ELLIS—What is the time frame in which pregnancy is a no-no?

Ms Beare—People need to not be planning to assume the care of a child in the two years after they have a child come into their care for adoption. In reality, it means that they cannot be in the Family Court fighting for custody of a child, for example, or still participating in IVF or be currently pregnant. For almost everybody that is the case; they—

CHAIR—How do you make up these rules? ‘We think in our great wisdom that it would be very bad to have a naturally born child occur nine months after the placement of an adopted child’—why? Where is the great body of evidence that led you to this great wisdom?

Ms Beare—I do not know about a body of evidence, but it is something—

CHAIR—We have evidence based decision making in every other area but here it is, ‘We feel this way and we’re going to impose how we feel on you.’

Ms Beare—When our regulations were made and reviewed in the mid-nineties, those issues came up for public consultation, and people had an opportunity to say whether or not they thought that was a reasonable period of time.

CHAIR—Pardon my scepticism of government saying that they are involved in public consultation. I am very sceptical about that. I want to know where the body of evidence is that tells you that this is the case. It makes no sense to me at all. A child is placed with someone, they have a photograph of the child and they have identified with the child and then suddenly, because they are pregnant, they are told: ‘Sorry, this kid is being taken away from you. We will give it to someone else or maybe to no-one at all.’ That seems to me to be absolutely inhumane.

Ms Beare—It is a very rare occurrence.

CHAIR—Rare inhumanity is not good either. It is a crazy rule.

Ms Lucas—You may well have a point. In making policy, governments base a lot of these sorts of parameters on data available about families across Australia. I had an experience in the local-born adoption program where a couple agonised over whether they would remove themselves from the adoption program if they got pregnant, which they anticipated could happen. Prior to getting pregnant they removed themselves because they did not want to be in a position of—

CHAIR—That is their decision.

Ms Lucas—Yes, they made the decision. They said they did not want—

CHAIR—But you are making the decision.

Ms Lucas—You are asking why there cannot be a natural child and an adoptive child in the same time frame. These people said—

CHAIR—You are not giving me a reason. You are telling me that they have made a decision for themselves. I am objecting to the fact that the bureaucrats have made a decision that says that in their great and wonderful wisdom they are deciding for them. They are saying, ‘We will not give you a choice; it is our decision.’

Ms Lucas—The point I did not finish is that if a person is pregnant and then is offered an adoptive child at the same time it is a dilemma for them.

CHAIR—The dilemma is that they have been offered a child and the child has been allocated. They get a photograph. They have got history. They know it is their child. That is how they feel. Then they might fall pregnant and according to your rules they are, presumably, obliged to tell you. Maybe they cannot count. That is a better idea. So they do not tell you. What happens then?

Ms Beare—We do not require a pregnancy test; we require people to sign a statement at the time they are allocated and placed with a child to say that they are not pregnant at that time.

CHAIR—What if they cannot count?

Ms Beare—People are required to tell the truth in an adoption process.

CHAIR—They are telling the truth; they just do not count. This is really serious; I want the answer.

Ms Beare—They cannot count or they do not know they are pregnant?

CHAIR—They do not know they are pregnant because they have not counted up 30 days or whatever.

Ms Beare—That is what they have to sign—to say that they are not knowingly pregnant. That is all we expect them to sign.

Mr CADMAN—What if you were to observe somebody pregnant? What would you do? Would you say, ‘We are cutting off that option’? What would you do if they fronted you and were obviously expecting?

Ms Beare—If people had told us a lie in their adoption application we would need to address whatever the lie was. If it was—

CHAIR—Maybe it is not a lie.

Ms Beare—Exactly. Usually people do not lie. They are open and—

CHAIR—All right; so they tell you they are pregnant now but that they really want to go ahead with the adoption. They say: ‘This is my child; it has been allocated to me. I have the photograph and we are ready. We are going to pick up the child and we are going to love it.’ And then you say no.

Ms Beare—That is what we would do, yes.

CHAIR—Because that is your great wisdom.

Ms Beare—No, that is—

CHAIR—I am asking you: where is the body of evidence that makes you the font of all great wisdom?

Ms Beare—It is not me; it is a regulation in South Australia and in most other states that people cannot be pregnant at the time.

CHAIR—No, we are not going to fall for that one. Where is the minute that goes forward to change it, if that is not the way you think it ought to be?

Ms Beare—If it were to be changed we would need to seek a lot of the opinion of adopted people and what they think about being placed into their adoptive families. Most adopted people I have had contact with—we do past adoption work in our unit as well; we do about 400 people a year who come to find out about their adoption—have strong views about the families that they went into when they were too small to have a say in making that decision. Adopted people want a mother and father who are going to be totally devoted to them, just as a birth child will have in any other family—a mother and a father who are totally devoted to them at the time they come into the family.

CHAIR—That is the point I am making to you. Once that child is allocated to them and they get that photograph, they become committed to that child. That is what we hear in the evidence again and again.

Ms Beare—We talk to people about when they get to that—

CHAIR—You just say, ‘No, it is off; it has now gone.’

Ms Beare—We talk to people a long time before that about how, when you get that photograph, that is how you are going to feel, and getting pregnant at that time would create the most incredible dilemmas for you.

CHAIR—But that is for them to decide.

Ms Beare—And they decide that.

CHAIR—No, they do not; you decide it for them.

Mr FAWCETT—Cynthia, one of the problems is that we have had quite strong evidence today and at other times from people—some who have adopted overseas, who have very little separation between their own biological children and the children they have adopted—saying that the existence of the siblings actually helps the integration process and the successful outcome for the adoptive family considerably, and far more so, in some ways, than the almost unnatural two-year exclusive focus of two parents on one child. Having siblings, with all the ruckus, fighting, loving and playing that goes on, is actually a very healthy, normal thing. Part of the problem is that there is a range of evidence out there that it is actually a healthy thing; hence the concern in the question at the decision by bureaucracies around Australia—not just yourselves—to say, ‘For no basis that we can actually point to, we’ve decided that this is a good thing.’

Ms Beare—To have the two at once is the thing; it is not that we do not like children joining families with siblings, because most of us have siblings and would not be without them. We do like children to be in families with siblings and, on the whole, that is a wonderful thing for them.

Mrs MARKUS—In instances like that, where pregnancy is discovered very close to the time for picking up the child in the other country, how often would that child actually know that they are going to be adopted at that point?

Ms Beare—It varies a lot from country to country. There are some country programs that prepare children very well for adoption, particularly if they are older children. But there are certainly some programs, and also if children are very young, where they would not know that that was going to happen to them.

Mrs MARKUS—Is the impact on the child that does know considered?

Ms Beare—Of course. If it is a much older child and the child has been prepared to be coming to a new family for adoption, of course. Our legislation provides for that circumstance to be taken into account on whether the placement proceeded or not.

Mrs MARKUS—Would that mean in some instances that, if somebody were to become pregnant and the child is older and is well prepared, the adoption would go ahead?

Ms Beare—There is a capacity in our regulation to allow it to occur, yes.

Mrs MARKUS—I have one more question: you talked about policy being reviewed in the nineties.

Ms Beare—Legislation and regulations were reviewed in the nineties, yes.

Mrs MARKUS—What research informed those changes?

Ms Beare—It was just before the time that I came in to be manager, so I would need to find out.

Mrs MARKUS—I would certainly be interested to find out whether there was any research.

Mr Squires—We will take that question on notice and get back to the committee.

Mr FAWCETT—Mr Squires, you mentioned before that you were going to achieve efficiencies through the abolition of the NGO and incorporation into the government. I would be interested to know whether you have achieved those or whether you have in fact ended up spending more money than you were under the previous contract with the NGO. More importantly, in terms of the outcomes, are the outcomes for both children and adoptive parents more or less effective? What are the effectiveness aims that you have for the change?

Mr Squires—I think the efficiency outcomes have been difficult at this stage, because we inherited a situation where there were no policies or procedures that the agency had that were made available to us, so the first few months that we had responsibility for all aspects of intercountry adoption had been very much focused on actually identifying and documenting these policies and procedures and also on the development of information booklets that can be made available to prospective adoptive parents. I think that has been an aspect that was underestimated in actually working out the volume of work that would be required to be undertaken. I think also with the recruitment of new staff and their familiarisation—

Mr FAWCETT—How many staff have you recruited?

Mr Squires—There were four staff appointed to the Adoption and Family Information Service, as from 1 April, to take on board the new responsibilities. The other aspect that we have put emphasis on has been the issue of communications with applicants and the production of regular newsletters advising them of what is going on in particular countries and within AFIS. The other initiative has been the establishment of an intercountry adoption reference group that comprises about 10 adoptive parents, staff of AFIS and me. That group is working on the issues that are important—that have been identified as problems in the past—and need to be addressed as part of the improvement of the service. There has also been an effort to establish an adoptions applications committee, where there is a small number of staff, external to the Adoption and Family Information Service, to provide some assistance with, and a recommendation on, making an assessment of the applications that are undertaken by the assessors. So they are some of the initiatives that we have put in place.

I also visited India and Thailand in April this year to negotiate with the non-government agencies and adoption central authorities the changes that occurred within South Australia as a result of the policy decision by the government. Managing the relationship with countries

overseas and non-government agencies in those countries is an important aspect that will get greater focus on in the following year.

Mr FAWCETT—So that is all on efficiency and process. In terms of effectiveness, one of the things that South Australia has been singled out for over the last X number of years is the fact that per head of population they have a large number of placements, that the flow is very effective and that there are not the waiting lists and the stop-start that we see in places like Queensland. Do you have performance objectives for the department to maintain that standard?

Mr Squires—Yes. Certainly, the approvals of prospective adoptive parents have fluctuated a little, but the rate that is now being established is part of the normal process and numbers that we have undertaken previously. The children allocated since 1 April would be in the same pattern that has occurred previously. That demonstrates, given the problems we have had in establishing the new service, that we have been able to deliver in terms of approvals and the children that have been allocated.

Ms Beare—We are only six months on from having consolidated the service into one unit. At least half of that time has been focused on helping people with the anxiety that they had as a result of the change having happened. We have about 350 families in the process at any one time. It would be true to say that there was a lot of extra intervention or contact needed in order to help those 350 families feel confident that things were going to be okay for them. That involved face-to-face meetings, telephone calls, having group meetings and a lot of extra communication compared to a normal process. So it is a little bit hard to say how it will pan out in time.

Mr FAWCETT—Would it be a fair assumption that, given the length of time normally from expression of interest to placement, the last six months worth of placements are really the flow-on from the work that the NGO has done and that the true test will be in 12 to 18 months time as to whether that continues?

Ms Beare—No, because all of the stages are pretty much the same—expression of interest, application approval. They are all happening at about the same rate as they ever did. The numbers of people interested in applying to adopt are not changing. The numbers of applications that we are sending to the overseas country is not different. The number of applications going to court at the other end is not different. They are pretty much proceeding in the same pattern. One of the things that I think has got us to this place so quickly is the incredible involvement and support from the intercountry adoption parent support groups.

In South Australia we have some amazing groups of really committed and dedicated parents that put in a huge amount of time to help others that are in the process and to mentor and support and care for each other in the adoption process. Some of those jobs are actually better done by each other than they are by us. People wanted to make the contact with us to find out who we are and to establish some relationship with us, because we were one step removed under the previous system. So a lot of that has happened. Now that it is settling, a lot of that support between the adoption community—people applying to adopt and the people that have adopted—happens. I think it is good in some of the states but in South Australia some of our groups are just amazing, with the amount of work that they put in and the assistance that they give to us in developing policies and pamphlets et cetera. We have given them things to look at and drafts to

comment on. They have put the work in and really have had a lot of input into the way we are building a new way of operating here.

So it has been an opportunity that rarely comes along to have a whole look at it and to hear what people have got to say. People have been incredibly honest with us about what they think. That is great, because I do understand that people in the adoption process are often fearful. They call it the black mark; if they say something, they are going to get a black mark against them. It has been an opportunity for people to tell us, even without owning it, some of the things that we need to know; to say things like, 'People are saying this.'

CHAIR—They are still scared stiff of you.

Ms Beare—They are. It is really difficult, but I think sometimes they tell others, who tell us. That can be really helpful. The parent groups are really fantastic at doing that. We need to hear where there are things we can make improvements on. Because we are building a new way of doing things here, it is an opportunity where people can say those things—and they do. They tell us, 'These are some of the things that people are saying.' It gives us a chance to do something about them.

Mr FAWCETT—One jurisdiction has proposed to us that the Commonwealth should set one standard set of rules across the country, that we should do the interaction with overseas countries, so there is one agency that interacts at a national level, one set of rules, and then each state administers those rules within the state. How would you respond to that proposal?

Mr Squires—I would need to see it actually developed and articulated, quite frankly, rather than signing off on a concept. I have heard of that proposal, but I think that there are a lot of nuances; there is complexity with the central authorities in the different countries overseas. With the agencies, I am not convinced that one organisation within Australia is going to deal with that. I believe that a significant amount of relationships need to be developed between the agencies overseas and ourselves as well. I am just not convinced that one unit is going to be able to do that, in my experience.

Mr FAWCETT—How can it be any more complicated than our current system, where we have a number of lead states who negotiate with overseas bodies on behalf of eight different states and groups who have to then try to work with different sets of rules?

Ms Beare—Only where there is a need for one voice from Australia. I know people in some of the other countries find Australia confusing because we are different states and territories. It is a way of helping them to be able to communicate with us in a coordinated way. In terms of negotiating and discussing and liaising with the overseas countries about individual people's cases, people want us to do that; I do not think they would want to have another step removed from us at the Commonwealth level talking on their behalf about their circumstances to the agencies in the other countries.

Mr FAWCETT—We are not talking about individual cases; we are talking about setting in place a framework, the processes and the rules and then individual cases are managed by the states. That I believe is the proposal that was put to us.

CHAIR—I am looking at India. India from 1995 was visited by the Victorian Department of Human Services in October 1995, September 1996, November 2001, October 2002 and December 2003. Then along comes the South Australian Department of Families and Communities in December 2003—the same time as Victoria went—and April 2005, and you plan to travel every two years.

Ms Beare—The 2003 visit was a conference in Delhi when India had just become a signatory to the convention. They were very keen to have people who had dealt with different agencies in India.

CHAIR—But why on earth, if you are the so-called lead state, would Victoria need to go and why were they going all those years when you were not? Have you only recently become the lead state?

Ms Beare—Yes, that is right—a couple of years ago.

CHAIR—How come you got that?

Ms Beare—It was a decision of the national meeting of the states and the Commonwealth.

CHAIR—It seems to be answerable to nobody at all. It is a very ad hoc body, isn't it?

Ms Beare—Anybody can have the minutes of the meeting—

CHAIR—I have—

Ms Beare—and have things put on the agenda.

CHAIR—and I am quite alarmed by some of the things that are written in some of those minutes about Ethiopia.

Ms Beare—Ethiopia has been an incredibly difficult program over the years. There are a lot of people—and I guess I could say I am one—who are very committed to the Ethiopian adoption program as an incredibly good program for children there that need families by adoption. Those children will never have an opportunity to see the inside of a family without adoption to a foreign country. Very many of them are orphaned by AIDS or relinquished because of extreme poverty. Some of the older children have seen their parents die, have lived with grandparents who have died, have lived with an aunty who has died, and so have no family left. So we have put in an incredible amount of work to try to establish processes that enable that program to keep working. It is against significant odds, because it is a difficult program to manage.

The Ethiopian government have introduced a new family code to try to regulate the activities of NGOs in Addis Ababa, because they have had a lot of trouble with people coming in and establishing so-called charitable organisations and trying to do things which cut corners and which could lead to child trafficking out of Addis Ababa. I know they had some trouble with some American agents in the past which led them to try to further regulate the adoption program there. So they have significant obstacles—

CHAIR—That is not what I am talking about; I am talking about reading the minutes and reading the concern about one particular individual in Ethiopia. We might leave that aside for the moment.

Ms Beare—I am happy to talk about it, because I have visited Ethiopia and dealt with Lakew over many years. I know what a man of incredible integrity he is and how hard he works to maintain good standards for the children that he and his wife care for.

CHAIR—So you are satisfied that the program is a good program?

Ms Beare—I think there are difficulties, and we still need to keep working on them, because the Ethiopian government is continuing to try to work out ways of maintaining decent and good standards in that program. I am convinced that our representatives in Ethiopia are people of incredibly good character who are doing everything they can to facilitate the adoption by Australian families of children from Ethiopia who need families. They take a great deal of interest in the children in an ongoing way over many years. They care for a number of children. Many of them are in a compound next to their own home. Misrak, the wife of the Ethiopian agent, cares for the very sick babies in the family home and sleeps with the very sick babies. They work incredibly hard against significant odds. They find it very difficult to recruit trustworthy carers for the children. They do a lot of the administrative work themselves. The court process is agonising—standing around in the compound of a courtyard for hours and hours for a court case that sometimes does not get heard and then having to go back the next day. It is very difficult program.

CHAIR—Do you think that that person is doing a good job?

Ms Beare—I do think so, yes.

Ms KATE ELLIS—Can you outline any discrepancies between the benefits and support that go to families of adopted children, as opposed to birth families, and whether those benefits and support are at a Commonwealth or state level? If they are at a state level—this is becoming a very long question—what measures are being taken to address those to ensure equity for both families?

Ms Beare—I think there are some Commonwealth benefits that people are not eligible for. I do believe that we expect adoptive families to be like any other family in the community with the same rights and responsibilities. If there are discrepancies in the way that they came about being a family then I think they need to be addressed. Sometimes people raise issues about the fact that they found it difficult to access parental entitlements—for example, in their workplace relating to leave. Sometimes it is because of the ignorance of employers in that adoption is something that they have not experienced in their workplace before. So it is a matter of raising the issue of discrepancy. On the whole, where people raise the equity issue for adoptive families—

Ms KATE ELLIS—I don't think that is mentioned in WorkChoices, is it?

Ms Beare—I think mostly people are successful in having their rights respected as adoptive families where it is raised but sometimes people come across people who have not yet had to

deal with a child coming into a family by adoption. There are some differences because of the unpredictability of when it is going to happen. All of that takes quite a bit of flexibility for an employer to accommodate people's leave arrangements and that sort of thing.

Ms KATE ELLIS—So you are not aware of any differences at a state level?

Ms Beare—I am not, no; not specifically.

Mr CADMAN—The opening sentence of your submission reads:

Intercountry adoption is a controversial topic within Australia.

I would have to say that I would completely disagree with you. I have never heard of it being controversial. You seem to be under siege in this sort of thing. I do not understand that. Could you explain it?

Ms Beare—There are people in the community who believe that transracial placement of children should never occur. I think that is why—

Mr CADMAN—What proportion of the community are you talking about? Surely that is a political judgment.

Ms Beare—Adoptive families even tell us that there are people who say to them that it is something that they have an ideological position about. There are people who have an ideological position based on some of the examples that are given there, like the stolen generation and the British child migrant issue.

Mr CADMAN—Are you comparing an adoption process, which you manage, with the British child migration program, where bundles of kids were put on boats or planes and sent to Australia without any formal arrangements?

Ms Lucas—No, that paragraph, which alludes to the British child migrants as well as to other events or processes to do with the movement of children into other families, was not meant as a comparison. It was meant to say that we have learnt through history.

Mr CADMAN—I have to say that I think it is possibly the worst comparison you could think of in Australia's history.

Ms Lucas—The point we are trying to make is that we have learnt from history. For example, section 11 of the Adoption Act in South Australia refers to the placement of Aboriginal children, and that is called the 'Aboriginal child placement principle', which is universal in Australia. That arrived in the legislation in Australia after Aboriginal communities lobbied government on the placement of Aboriginal children. It is an example of, or an allusion to, the fact that welfare in general has learnt from history that significant issues must be addressed when changing the family status of children. That is what that paragraph is about. It is not saying that intercountry adoption is the same as the stolen generation or that it is the same as the British child migrants. It is saying that we have learnt from their experiences.

Mr CADMAN—I hope that we would choose higher standards to make comparisons in future.

Ms Beare—I think the higher standards we have—

Ms Lucas—Are a result of it.

Ms Beare—in relation to the placement of intercountry adoption have come about because people have told us the things that need to be kept in mind when we transport—

Mr CADMAN—But it does not say that here. You do not give the impression of drawing on past experience—nine years, in your case—of case by case, decision by decision and a process of constant improvement. You go back to something that was appropriate at that time and completely wrong by today's standards.

Ms Beare—Then I am glad that we have had the opportunity to talk about it as well.

Mr CADMAN—Those who are signatories to the Hague convention are countries where you would expect to have a reasonable relationship. Included in the bilaterals are countries where I think there are great difficulties, and you have mentioned that you have spent time on one already. We have no process, not even a bilateral one, with the United States, Britain or some of those other countries, which seems weird.

Ms Beare—That is because children in those countries who need a family by adoption can generally be placed in those countries. They do not need to find families for their children in a foreign country.

Mr CADMAN—Where an adoption was sought by parents on both sides of the Pacific, it was not allowed because the US was said not to be a signatory to the Hague convention, yet we can enter into bilateral arrangements with countries like Ethiopia and Fiji.

Ms Beare—The United States of America is a receiving country. Children go there for adoption; they do not come out of the United States for adoption. In a way, they are a similar country to any other country where children are adopted into the country rather than being adopted out.

Mr CADMAN—That, to me, is not an explanation. I am just looking at what you have to deal with. You have some solid base in some countries and great uncertainties in others with which we have a bilateral agreement, yet we do not have an agreement with countries with similar standards of living and similar legal processes to our own. It seems strange.

Ms Beare—There is no need for an agreement, because we do not adopt children from America.

Mr CADMAN—There seems to be a need for an agreement, doesn't there?

Ms Beare—We do not need to adopt children from America, because they can place their children in America.

CHAIR—It does not say anything.

Ms Beare—They do not adopt children from Australia because we can place our children in Australia when they need a family by adoption. Our first priority would be to place children within the country in which they have been relinquished for adoption. It is similar to the UK, Sweden and Italy.

Mr CADMAN—I am all for a bit of choice between people. If people want to do that between democracies, I would have thought that that should be allowed to happen.

Ms Beare—One of the principles of the Hague convention is that children should be cared for by their own family if that is possible or adopted in their own country where that is possible, and it is possible in Australia, the United States, the UK and in many other countries, such as Sweden and Norway, where children can be supported in their own family or placed with a family in their country of origin. There is no need to transport children halfway across the world unless they cannot have a family life in the country where they are born.

Mr CADMAN—On about page 5 or 6 of your submission you refer to *The Colour of Difference: Journeys in Transracial Adoption*. I do not know that publication, but do you think it reflects what your experience tells you has occurred in South Australia?

Ms Beare—I think it does, and I think the people who were interviewed for that book—about 20 or so young people who were adopted into a family of a different race and culture from their own; most of them intercountry adoptees—talk about—

CHAIR—We have actually had them give evidence to us.

Ms Beare—Yes, and they describe practices of the time that are quite different now. Many adoptive families tell us how instructive it is to hear from people who were adopted that long ago to find out what some of those families did that they can learn from, because indeed a lot of those young people have said that their culture was not—

Mr CADMAN—You refer to it, though, as if it is applicable in the context of your submission. So I will take it that you do think it is applicable today.

Ms Beare—I think all of the things that they say have a lot of bearing on the way adoptive parents launch into adoptive parenthood, because those young people say, ‘We want to have our family culture respected.’ And you heard the World Families people talking about how they honour and respect the children’s birth families and culture. That was not a part of adoptive parenting in the seventies and eighties. Children were told to forget about where they came from, forget they had a birth family because they were Australians now. A lot of the people who were adopted back then say, ‘Yes, we are Australians but we always felt different and we needed people to acknowledge that difference as well as respecting—

Mr CADMAN—That explanation is necessary because they do not necessarily get that from the context. The next question is about the number of adoptive placement breakdowns and child protection notifications under the previous scheme. How many were there?

Ms Beare—I think there were eight child protection notifications on children last year.

Mr CADMAN—Is that a placement breakdown or child protection?

Ms Beare—Child protection was eight.

Mr CADMAN—Eight child protections? How many breakdowns?

Ms Beare—There were eight child protection notifications out of about 70 placements.

Mr CADMAN—How many breakdowns?

Ms Beare—I do not have it for the year; for three years it was four or five.

Ms Lucas—Four.

Mr FAWCETT—On the level of severity, the comment was made earlier that one was because a parent chose to put their child in child care.

Ms Beare—No, I did not have any notification where a parent put their child in child care. One of them was a child being beaten with a belt, and that notification was confirmed. There were others where children were yelled at and shouted at. There was another one involving a serious domestic violence situation where the male parent in the house had a gun and the rest of the family felt threatened when he had it.

Mr CADMAN—How did you find out about this? Did the agency let you know, or did you have to go and find this?

Ms Beare—Anybody who is a concerned member of the community can make a child protection notification.

Mr CADMAN—And you would avoid all of those circumstances now?

Ms Beare—We would try very hard to avoid circumstances like that. It gives me great grief to think that we have been responsible for placing a child into a family where they are not a safe. And I think any reasonable member of the community should be very critical of a state making a decision on behalf of a child to provide them with a family where that family does not prove to be a safe one.

Mr CADMAN—Were you not required, though, to tick off on all of those decisions?

Ms Beare—On the information provided to us by the agency; and where there were risks in the family that we were not told about then it is very difficult to make good decisions about whether a family is going to be a safe place for a child.

CHAIR—You are saying that the addendums that you referred to earlier in each of those cases was not provided to you.

Ms Beare—In the child protection cases. I do not know what the correlation was between the addendums that were not provided and the child protection notifications.

CHAIR—That is very important.

Ms Beare—It may be important but, in general, we would want to know about risks in families.

CHAIR—Your allegation before was that the reason you were so critical of the agency was that the social worker had done the assessment and written up the assessment but also written an addendum. My question to you is—and I think it is very important—were the cases where there was a child protection notification ones where the addendum existed but was not given to you?

Ms Beare—The answer to that question is: I do not know whether or not there was an addendum written and not provided to me.

CHAIR—You said you identified six cases where there was an addendum.

Ms Beare—They were in a different year. I am talking about the same year where those children were in families where people were being assessed, so there was a different group of—

CHAIR—As far as you are aware, on face value, the same social workers—and presumably you used the same social workers—

Ms Beare—Some of the same social workers are being used by us, yes.

CHAIR—who wrote the reports—

Ms Beare—Yes.

CHAIR—you still ticked off on them.

Ms Beare—Who wrote the reports and the addendum and I ticked off on half the report.

CHAIR—No. You told me a moment ago that these cases were not cases where there was any addendum that you knew of.

Ms Beare—No. I told you I do not know whether there was an addendum or not.

CHAIR—But you have got nothing to base an assumption that there was one because presumably you must have asked, did you?

Ms Beare—I now know that there were addendum reports that were not provided to me.

CHAIR—But you said that was in a different year.

Ms Beare—The year I am talking about the placement breakdowns of the child protection notifications is the same year that I am talking about the addendum report. They are different families because they were at completely different stages of the adoption process.

CHAIR—So you do not know whether or not there were addendums written for the children who were subject to the notification.

Ms Beare—No. I do not know if there were risks in that family.

CHAIR—Did you ask?

Ms Beare—No, I did not know addendum reports were written.

Mr Squires—It was not until AFIS, the Adoption Family Information Service, had responsibility for all of the intercountry adoption process as from 1 April that they discovered that risk assessment reports were being done and were not being conveyed through to Cynthia in her decision-making role.

Mr FAWCETT—I think part of the concern being expressed here is that, even if you tied up that process so you get 100 per cent submission of the risk report, the fact is that no social worker is necessarily going to go into that home and know that a gun may come out and threaten someone. So there is no guarantee that, having abolished the NGO, in two years time you are not going to have notifications because emotions change and somebody is going to pull out a gun and start threatening someone. The social worker, particularly if you are using the same social workers that were being used by the NGO and being used by you, even with the 100 per cent watertight process is not going to guarantee that there will not be notifications. I think that is the concern being expressed to you. My other question is: how does the level of breakdown and those notifications compare with other states? Do you have benchmark data?

Ms Beare—I think nobody publishes their placement breakdowns and child protection notifications. It is not something that happens very often. In my conversations with the managers of the other states, child protection notifications were extremely rare. They certainly were not at the point of eight in a 12-month period out of 70 placements—nothing like it. I think you are absolutely right about assessments: it is not an exact science; it is a very complex and difficult area. We are trying to balance a good assessment with supporting families at the same time, and I am absolutely conscious of the way families find that whole process intrusive and difficult. You heard people saying they found it quite difficult.

We try to say to people that we have a responsibility to children to make sure that the families that they go into are safe and happy ones, and so an assessment of people's capacity to parent a child is necessary. That is not to say that they still do not find it uncomfortable and somewhat intrusive. It is also not to say that an assessment can ever be perfect in drawing out what the risks might be. It is often not so much about whether or not people are approved; sometimes it is about the kind of child that they are placed with. Maybe sometimes people are suited to parenting one young child but would not be suited to parenting three siblings over the age of five, for example. They may well have skills to raise a child from a young age but they may not be suited to the challenges of a different kind of adoptive parenting. We do need to be working hard to ensure that there is a good match of a child to a family—that it is not just any child being

put into the family for adoption, that that child is going to have a family that can address whatever their needs are.

CHAIR—But that decision about the child is made by the country from which the child is coming, not by you.

Ms Beare—Based on the information that we give them, of course. The detail of the information that we give them is about the kind of child that people might be suited to parent. If we can give them good information about the kinds of children that people are suited to then there can be better decisions about the match of the child to the family.

Mr CADMAN—Further to this detail of breakdown, did the breakdowns occur in approvals that were done all in the same year—or was it over a period of time?

Ms Beare—No.

Mr CADMAN—Seventy seems an extraordinary number of decisions for one year.

Ms Beare—That is about normal: 70 or so adoptions a year are occurring in South Australia.

CHAIR—Yes, 72 in the year 2003-04.

Ms Beare—That is how many people would also be approved to adopt in the current year.

Mr CADMAN—You say that the fees you charge do not cover the cost. What is the real cost?

Ms Beare—I would have to go back to some figures to find out the cost of providing the services. To go back to my original point about there being a spectrum of views, there are a lot of people who think that we should not charge any fees at all and there are other people who think that if the government is going to put money into supporting children who are in a disadvantaged situation in an overseas country then the government should send that money to the overseas country because many more children and families could be assisted by that amount of money. I guess there is a balance of it being part cost recovery—

Mr CADMAN—Could you advise us of the real cost?

Ms Beare—Okay, we will do that.

Mr CADMAN—That would be a useful figure for us to make an assessment of how everybody is running nationwide—not necessarily to compare your costs with others but to try to find the real cost and see how that might be best managed.

Ms KATE ELLIS—Can I just put on the record in regard to that statement that I think that sometimes it is not just as a means of overseas aid that people are saying we should support with fees. If our state government, for example, is putting a lot of money into devising a population policy then looking at boosting our birth rate is a better argument for government support.

Ms Beare—Okay.

CHAIR—In the year 2003-04, there were 72 placements in South Australia. You said it was normal to have 70, but that is not right. The last time you had a figure anywhere near 72 was back in 1987-88, with 83. The rest of the time it was around 34 or 35, although 49 was a higher one, and there were 56 in 1999-2000.

Ms Beare—The reason for the rise in the last few years is that the numbers that are counted are the numbers of adoption orders that are made. In the last few years there has been a significant increase in the numbers of children adopted from China. The order is made at the time of the placement and so, in addition to children placed, we are counting children that are adopted in China. The larger number is a result of the addition of the Chinese adopted children into the equation, rather than an increase in the placement of children. It is simply that the adoption order is counted, and for children other than from China the order does not happen for a year after the placement.

CHAIR—But that means that there must have been more Chinese children coming.

Ms Beare—There are significantly more Chinese children coming each year for adoption.

CHAIR—As there are no further questions, thank you very much for coming. We appreciate your willingness to be here. It is very important to hear from you directly as part of our deliberations. If there is anything we need to ask you subsequently, may we do that by way of letter or whatever?

Mr Squires—Yes.

CHAIR—Thank you.

[4.42 pm]

CRAIG, Ms Maureen, Deputy Chairperson, Association Representing Mothers Separated from their Children by Adoption (South Australia) Inc.

LEWIS, Ms Mary-Anne ('Meg'), Chairperson, Association Representing Mothers Separated from their Children by Adoption (South Australia) Inc.

LONGLEY, Ms Pamela Kaye, Life Member, Association Representing Mothers Separated from their Children by Adoption (South Australia) Inc.

WHITELOCK, Mrs Deborah, Administrative Assistant, Association Representing Mothers Separated from their Children by Adoption (South Australia) Inc.

Witnesses were then sworn or affirmed—

CHAIR—Welcome. I have been handed an additional submission from the Association Representing Mothers Separated from their Children by Adoption (SA) Inc. Is it the wish of the committee that this supplementary submission be accepted as evidence to the inquiry and for publication? There being no objection, it is so ordered. While we are at it, is it the wish of the committee that a submission we received from Professor Quester, who spoke to us at lunchtime, be accepted as evidence? There being no objection, it is so ordered. Now I invite you to speak to your submission.

Ms Lewis—Good afternoon. We would like to take this opportunity to address the committee in relation to the inconsistencies in adoption practices, benefits and entitlements between adopted people and people who have not been separated from their family of origin and between parents who raise their children and parents who are separated from their children by adoption. We sit before you as the voice of natural mothers and, just as our voice was silenced by guilt and shame 20, 30, 40 and more years ago, today we are again marginalised within the discussion of issues relating to adoption. We have enormous experience in adoption and yet our unique perspective is rarely sought and barely noted.

There is a wisdom in mothers who have experienced the unbearable pain of separation from their children by adoption. We have much to tell those who regard adoption as being a benevolent practice. We want to draw your attention to the information on the effects of adoption that is freely available from government and non-government agencies which supports our view that intercountry adoption is not a cure for displaced babies and children but, rather, a traumatic experience for children who often grow into traumatised adults.

The Adoption and Family Information Service web site states that it is best for children to stay within their community, to be linked with extended family and be financially supported to enable them to stay in their country of origin. The site suggests donating money to support the needs of children and enable them to stay with their families and communities. Sadly, AFIS does not heed its own advice. Similarly, Children, Youth and Family Services, South Australia, state that it is

not in the best interests of children to be removed from their communities where they know their language and extended family.

The Queensland government web site recognises that adoption is not in the best interests of the child, that whilst it may be well-meaning in reality it 'compounds the grief and trauma that they are experiencing'. Post-tsunami, the Queensland government advised people wishing to help to donate to registered child aid agencies to assist children to stay in their countries and not remove them from their place of birth and potential reunification with family members. This advice is applicable to all well-meaning people who mistakenly believe that adopting children into wealthy Western cultures automatically grants their child a better life.

UNICEF does not advocate adoption, stating that, even if children need to be removed from their local community, intercountry adoption is not advocated as an alternative. UNICEF recognises that there are other factors involved in intercountry adoption and that the consequences are long term and irreversible. UNICEF advocates for the best interests of children by asking people to assist agencies to work with children in the local community. UNICEF sums up why Australians should not be adopting children from overseas by stating:

... adoption overseas to an unrelated family and removal from their culture, language, customs and the communities they are familiar with will add to the loss these children have experienced.

The PARC New South Wales web site states that a survey in October 2002 identified the need by some workers for post-adoption support, with respite care as a high priority. They are talking about the need for respite, for goodness sake! What does this tell us about adoption if we are doing something to a child that means that in the future the child may need to be put into respite care? Departmental workers also noted that, except where the adoptive parents inquired about searching for birth relatives, most calls to the service are from families in acute crises with adolescents.

I want to tell you about Ling, as taken from the PARC web site:

Picture for a moment the world of a 12-month-old child living in a children's institution in China. She feels an immense longing, a yearning that is completely mysterious to her ... The home has familiar smells—a strange mixture of noodles cooking, disinfectant and human waste. She already understands the rhythms of Chinese language and music.

Suddenly a nurse takes off her familiar loose-fitting clothes, and dresses her in clothes which fit her more closely. She is handed to a smiling woman whose skin is paler than she has ever seen. She is with another white alien face, smiling. She is terrified, cries loud and long. From here everything is unfamiliar compared to anything she's ever known, the sights, sounds, smells, pace of life. The pale-faced people want to hold her all the time. Why?! She screams, terrified by the plane journey. Where are they taking her?! ... her early deprivations will take some getting over.

Nancy Verrier, world renowned author of *The Primal Wound*, psychotherapist and adoptive mother, writes that the primal wound occurs in all adoptions but that it is compounded in overseas adoptions by the loss of culture and identity. It is vital that people understand the potentially huge impact that such a traumatic event can have on a child's psychological development and wellbeing. Verrier describes the neurological consequences of such a significant trauma early in life which unconsciously influences emotional and physical reactions and behaviours, often causing anxiety and confusion. Surely this is the greatest inconsistency of

all, the right of a child to grow up within their family, within their own community and with their true identity intact.

Ms Craig—For decades, researchers have been pointing out that separating babies from their natural mothers results in a wide range of emotional, psychological and physical problems for both mother and child. It would appear, however, that advocates of adoption and adoption workers do not read these books or choose to ignore the evidence of problems in adoption. They neglected to read about it as early as 1943, when Florence Clothier wrote of the trauma suffered by the child separated from his mother. Ms Clothier noted:

The child who does not grow up with his own biological parents, who does not even know them or any one of their own blood, is an individual who has lost the thread of family continuity. A deep identification with our forebears, as experienced originally in the mother-child relationship, gives us our most fundamental security.

In every decade since then, researchers have pointed to the negative impact of adoption on both mother and child.

The following studies have been cited in a paper by Wendy Jacob. In 1952, a British psychiatrist coined the phrase ‘genealogical bewilderment’—that is, lack of a definite relationship to one’s genealogy, resulting for adopted children in stunted emotional development, irrational rebellion against their adoptive parents and the world as a whole, and delinquency. In 1953 it was reported in the *American Journal of Orthopsychiatry* that adopted children manifested severe pathology, including impulsive behaviours with characteristic aggressive acting out. In 1955, it was stated that ignorance about their personal origins made adolescence more of a strain for adopted children than for other children. In 1964 a study noted that there is:

- substantial evidence from many sources that non-relative adopted children may be more prone to emotional difficulties; and
- there is more alcoholism, sexual acting out and more suicide attempts in adopted adults.

In 1966, it was noted that adopted people had serious adjustment problems in adolescence. A paper in 1967 in the *Australian Journal of Social Work* stated that there was a need for a national study of adoption. Unfortunately, such a study never took place.

There is much anecdotal evidence that adopted adolescents and adults are overrepresented in juvenile detention centres, psychiatric clinics and prisons and amongst the homeless on the streets of our cities, victims of alcoholism, drugs and abuse. However, there are no high-level studies of the impact that separating babies and small children from their mothers, their extended families, their communities and their countries of origin has on these children. Some years ago in South Australia the Offenders Aid and Rehabilitation Services of South Australia sought to conduct research into the incidence of adopted persons in the South Australian prison system. The research was initiated because of their perception that adopted persons were overrepresented in the prison system. Unfortunately, funding was not available and the research did not proceed.

There has been some minor research into suicide among adopted persons. In 1988, a South African study of 82 adults aged 18 to 70 who had been adopted as infants found that a high number of them had attempted suicide in adolescence. A 1990 study conducted by the Search Institute of Minneapolis found that teenagers adopted as infants were more at risk of suicide than non-adopted youth. A 1993 article in the *Melbourne Age*, written by Louise Bellamy, noted that Brother Alex McDonald, a Jesuit who had worked with homeless young people in St Kilda, said

that, of 147 suicides of young people caused by drugs and abuse in the area over the past decade, 142 came from adoption backgrounds.

In 1995, Betty Jean Lifton told a group of professionals and adoptive parents that there were no statistics on the number of adoptees who attempt suicide or those who succeed, and that if there were we might be surprised at the large number. In 1998, an adoptive mother whose 23-year-old son committed suicide wrote to *Women's Day* wanting to hear from other parents who had lost an adopted child to suicide. She received 186 letters. A 2001 study found that attempted suicide is more common among adolescents who live with adoptive parents than among adolescents who live with biological parents. Therefore, to inquire into any inconsistencies between state and territory approval processes is to put the cart before the horse. There is a greater need for a national study on how adoption impacts adopted people. Let us put all adoptions on hold while such a study is carried out.

At a 1997 adoption conference in New Zealand, Anne Else spoke about looking at history in adoption education and healing. She warned:

The past has left another legacy. The recent history of adoption, and in particular the brief era of a 'surplus supply' of babies, has led to a widespread expectation that somehow, somewhere, it must be possible for those who want children to obtain them ... however, we cannot claim ignorance of the risks and pitfalls. I am constantly struck by the echoes of the past in practices currently being advocated: such as freeing up intercountry adoption ...

We believe that there is no automatic right to have a child. ARMS members bear testimony to the unbearable suffering of women who have lost children to adoption. Feminist Joss Shawyer speaks of adoption as a legal form of slavery suffered by infants who are stripped of their legal right to identity, including the loss of their entire genealogy through falsified birth records.

'There are numerous striking similarities between the slave trade and intercountry adoption. Both practices are demand driven, utilising a highly advanced system of pricing and commodification of human beings with the young and healthy as the most valued ... being dependent on the existence of intermediaries in the form of slave hunters and adoption agencies and a reliable transport system of ships and planes. Both the African slaves and the Third World children are stripped of their identities as they are separated from their parents and siblings, baptized and Christianized, and lose their language and culture.'

They are not my words. They are the words of a young Korean man, adopted as an infant into a Swedish family. Mr Hubinette's words—Tobias Hubinette is the person who wrote them—may seem extreme to some, but those of us who for many years have witnessed and experienced the dark side of adoption believe that only extreme language will penetrate the deep-seated denial that surrounds adoption.

Ms Lewis—We believe that there is no humane way to separate a mother from her child or to avoid the ensuing grief she will experience. We have no reason to believe that the grief and loss associated with adoption is any different for mothers from developing countries than it has been for us here in Australia. We believe that childless couples do not have the moral right to create a family with another woman's child. When the supply of babies from the young, the poor and those lacking in social or financial support dried up in our society, adopters began looking to the young, the poor and those lacking in financial and social support in poorer countries.

In 2003, the *Sydney Morning Herald* reported that the New South Wales Adoption Act prohibits a court from approving a change of a child's name if the child is more than one year old, 'unless there are special reasons, related to the best interests of the child'. It reported the case of an adoptive couple who wanted to change the name of their then two-year-old, Korean-born son. The judge stated: 'Adopted children, including children from overseas, go through change and dislocation and disruption of everything in life that is familiar. Maintaining the child's name has some benefit in that disruption.' The Department of Community Services argued that the given name contributes to the child's sense of identity, including with his birth family. So I pose to you this question: why do we continue to accept the practice of allowing adopters to turn, as the *Sydney Morning Herald* said, 'Ming into Kylie'?

Finally, in response to the inquiry's term of reference relating to the inconsistencies between state and territory approval processes for overseas adoptions, all we can say is that we are ashamed that South Australia has placed more children for adoptions per head of population than any other state. One 'unsuccessful placement' is heartbreaking; that there were seven failed placements here in a year—I have just learned that this was a longer period—is a tragedy. If adoption is really about putting the interests of the child first, let us inquire into how adoption impacts on adopted persons and natural parents first.

Mr CADMAN—It is a very interesting concept. I guess one part of me agrees, but then I think of those kids whom you are more or less condemning to—

CHAIR—Death.

Mr CADMAN—indefinite poverty, hardship and perhaps death.

Ms Lewis—I was interested to hear the talk of analogies. We cannot overlook the analogies of the past. When I had my son 26 years ago, people thought it was better for him to be adopted than to be brought up by a young, single woman. And I do not think that these children in these countries are without families. They have families, but generally the mothers, in most of these countries, are experiencing exactly the same sort of intolerance of unmarried women as we experienced 20, 30, 40 or 50 years ago.

If you look at where these children are coming from, single parenthood is not tolerated by society in places like Thailand, India, Korea and China. It is no different to the sorts of experiences we had in our lifetime, when it was considered better for children to be adopted into a married family with a nice home than it was to be brought up by a single mother. We are saying that if the women and families in those countries were given the sort of support that they need, those children could stay there. They have families. They are in orphanages because those families and mothers do not have the resources or community support—

Mr CADMAN—Except maybe if both their parents are dead from AIDS or something like that.

Ms Lewis—I would be really interested to see the statistics on that.

Mr FAWCETT—It is 900,000 in Nairobi, Kenya, today.

Ms Lewis—And they have no other family members?

Mr FAWCETT—None that will take them because, in their culture, if the child's parents died of AIDS then that child is taboo. They do not touch them because they do not want to know them.

Ms Lewis—So what is the problem with providing the infrastructure to support the environment for them in those countries? In Vietnam there are some fantastic examples of orphanages where children are raised. There is the example of that woman in Cambodia who has an orphanage. You have to get away from that terminology. This becomes that child's home but they are brought up amongst a family with people who love them in their own environment.

CHAIR—I am sorry. I understand where you are coming from, I really do. The practice was that a child was taken away from you because society was not going to support you and so you gave the child up. I understand how you feel. But you cannot look at the plight of these children through your glasses. You just cannot. We had a young 14-year-old girl from Ethiopia appear before us in Tasmania and say, 'If I had stayed in Ethiopia, my life expectancy was 39, but here I have a life and I'm happy.' I said, 'What do you want to be when you leave school?' She said, 'I might like to be a rock 'n' roll singer or I might want to be a cook.' She has choices. She loves and is loved. It is a different thing. But I really understand where you are coming from.

Ms Lewis—She could have stayed in Ethiopia if she had had a home to stay in.

CHAIR—Come on!

Ms Lewis—What?

Mrs MARKUS—Have you spent any time in any part of the Third World? Have you spent any time in Africa, the Philippines or Thailand?

Ms Lewis—Nothing I would see would compare to the loss that happened to me, and I speak for all women who have lost a child. Nothing anyone can say can make me think that it is better to separate a child from their family.

Mrs MARKUS—Let me qualify that. We understand that. Whatever happened to you was unacceptable. You wanted to keep your children and unfortunately in another time and another era we had different values. I can say that, from our point of view, that is not where we want to go.

Ms Lewis—I seriously think that in 50 years time we are going to be having this same discussion about these children who are brought here from overseas.

CHAIR—Except they will be alive and not dead.

Ms Craig—I agree with Ms Lewis. I would also say in answer to your question that not all of these children are coming from Third World countries. Most of the children who come to South Australia are from Korea, which is not a Third World country; it is an industrialised country.

Most of the mothers who are relinquishing their children are single mothers who are stigmatised because of their status and do what most of us had to do.

Mrs MARKUS—Have you got evidence of that?

Ms Craig—We have some evidence of that.

Ms Lewis—We have a list that shows most children come to South Australia with intercountry adoption from Korea, India and China.

Mrs MARKUS—Have you got evidence that the children who have come here have families?

Ms Craig—I cannot remember the name of the book. Do you remember the name of the book about the Korean mothers?

Ms Longley—I do know that our counsellor spoke at the national adoption conference last year with a lady from India who is dealing with mothers just like ourselves.

Ms Lewis—This woman works for an adoption agency and she came up to our counsellor after the conference and asked how ARMS started, because what they are now finding in India is that mothers are coming forward and asking what has happened to their children. If you look at the information about the processes for adoption, a lot of these children are placed in foster homes before they come to Australia, particularly the children from Korea and China. I have to ask: if there are foster homes, why is support not given to them to care for those children if in fact there is no family?

CHAIR—But you are making your moral judgments. There is a Hague convention which has been entered into and which we adhere to.

Ms Craig—But most of the children coming to South Australia—

CHAIR—Most children coming to Australia come from China—

Ms Craig—are not via the Hague convention.

CHAIR—Excuse me. Most children come from China to this country. There are 100,000 baby girls abandoned every year in China.

Ms Lewis—That is not going to fix it by saying we have got an open door policy for them to come here.

CHAIR—Excuse me. They are abandoned because of the one-child policy and they are girls and they are not valued. Here, they are loved and valued. Those children who are adopted get a start. I understand your perspective, but you are looking through a prism which is different.

Ms Lewis—I am looking at what happened to us.

CHAIR—To you, in Australia.

Ms Lewis—People said exactly the same thing. This is not going to stop while Australia continues to take these children. We are colluding with the Chinese government to continue these practices. We are saying: ‘It is okay. Export your baby girls to us.’ I would be really interested to talk to those baby girls in 20 years time. Our children in the main were adopted into good families. I am not saying that they are not well-meaning people. My son was adopted into a good family. He is traumatised. If you sit at our Christmas party and go around the table, it is not the fact that they are with good people, it is the fact that they were adopted.

CHAIR—You were told that you were a wicked, bad person and your child would be better away from you and have a better opportunity.

Ms Lewis—And this is what is happening to these women in those third world countries.

CHAIR—And you were penalised because that was the judgment about your behaviour, wasn't it? That is what happened.

Ms Lewis—It is exactly the same thing that is happening today.

CHAIR—It is not the same thing.

Ms Lewis—It is happening. It is happening in Korea, it is happening in China, it is happening in India.

Ms Craig—I actually disagree that the Chinese girls are not valued. I would think if you went and spoke to the mothers of all those Chinese girls, you would find that those mothers love those daughters as much as any mother loves her daughter, but they were forced to abandon them because of the one-child policy, because sons are more valued by the society. I am sure that not one of them volunteered to lose their child.

CHAIR—I really do understand how you hurt. I really understand that. It is a different prism.

Ms Craig—No. I guess the other point that we really strongly wanted to make was that adoption per se often has very negative impacts on children, on adolescents and on adults.

CHAIR—And it often has some damned good ones too, with very good outcomes: terrific people have good, happy lives.

Ms Lewis—I think while we continue to not acknowledge that adoption has a severe impact on a lot of people, we are looking for happy endings. There is no adoption without grief. There is no joy of adoptive parents without the grief of the adopted person who grieves for the loss of their family and their mother and their homeland. We have to acknowledge that. To just pretend it does not happen does not mean it does not exist.

CHAIR—But I understand why you come together. You have come together because you have all got hurt, and probably guilt, and you have come together to express it. There are a whole

lot of people out there who have had very successful outcomes. They have not got a grievance, so they do not come together and they do not appear here.

Ms Lewis—We are speaking for the hundreds of thousands of women who have no voice. It is incredibly difficult for mothers and I would say for a lot of adopted people to sit in front of total strangers and bare their souls about an experience that has happened to them. You will generally find that a lot of adopted people will not do that. They feel a huge sense of loyalty to their adoptive families and they will not speak out about the pain that it has caused them. We speak for all those natural mothers who have not the opportunity or the wherewithal to sit in front of people and say what a dreadful experience it is.

CHAIR—Of course it was a terrible experience—your baby was taken away and you were discarded.

Ms Lewis—We are saying that the same thing is happening today and calling it intercountry adoption and thinking that it is no different is not true.

CHAIR—I do understand where you are coming from. But I think that there are a lot of children who have been saved a lot of misery by a good program.

Ms Lewis—I think in years to come we will be judged very severely.

Ms Craig—I think it looks as though they have been saved from misery. They have been taken out of perhaps an orphanage, perhaps rescued and put into an orphanage, but they have been saved. It looks like that at this stage. But I think it will be really interesting if we do some long-term research. I think it will be interesting to see where those adults are in 20, 30, 40, 50 years. Are they functional, happy human beings or are they—

CHAIR—We have already taken evidence from some who were adopted in the very early periods before, shall we say, better practices came in, and we heard about the problems that they have had. But they have become mentors for the children who are coming now.

Ms Lewis—I suspect that the people that have really been traumatised and hurt by adoption would never in a million years appear before a committee such as this. I also think it was interesting to look at *Operation Babylift*, which was the evacuation of 2,000 children out of Vietnam at the end of the war.

CHAIR—They are the ones we are talking about.

Ms Lewis—That is right. There was a program recently and one of the Vietnamese, an older man, said, ‘I don’t know if we did the right thing.’ They sent 2,000 children out of Vietnam, but there were hundreds of thousands of children left behind, and what of those children? They have gone on and had lives in that country too.

Mrs MARKUS—Ms Lewis, I do have to agree with you that, in cases such as the tsunami and other disasters, where it takes time to identify extended family members and so on, it is not appropriate for us to bring those children in for adoption while all those things need to be sorted out.

CHAIR—That is why we said we would not do it.

Mrs MARKUS—We want to prevent trafficking of children and opportunities for paedophiles to go in at that vulnerable time. Certainly, I think most of us on the committee would probably agree with you there.

Mr CADMAN—I do not know how you would feel as a mum if some years later you found that your son, instead of being alive and having the opportunity of a future, had died of AIDS, and that you could not do anything about it when he was three or four.

Ms Lewis—We have mothers in our group who have found that their children have committed suicide.

Ms Craig—Or have been abused by their adoptive families. By saying that, I certainly do not mean to malign adoptive families or to say that most adoptive families are abusive, because that is definitely not the case. But there is no doubt that adoptive families are abusive, just as biological families are. There is no doubt that we have members whose children have been sexually and physically abused. They are traumatised not only because they are adopted but also because of abuse.

Mr CADMAN—But 100,000 mums in Africa, in just that one country, are likely to be told that if they go looking they will not find anybody.

Ms Lewis—But if you supported those mothers they would not have to go looking. That is our whole point.

Mr CADMAN—If you feel so strongly about it, what have you done to support any mothers anywhere?

Ms Lewis—I support two children through World Vision. I am quite happy to say that. I totally agree: people want to fix things and you can only do what you can do. But I have a World Vision child in Ethiopia and I have a little boy in China.

CHAIR—That is great.

Mr CADMAN—And I support a child in Thailand.

Ms Lewis—Well, you asked me.

Mr CADMAN—We can all do our bit in our own way. But there must be options to try to solve these problems, and I think that adoption is part of, but not totally, the solution.

Ms Lewis—We totally disagree with that.

Mr CADMAN—I know you do.

Ms Lewis—And I think it is our right to come here with another perspective.

CHAIR—I think everybody respects that.

Mr CADMAN—Absolutely.

Ms Lewis—And I do not think you want to underestimate for one second how difficult it is for us to sit here and put ourselves out and say something that we know is not popular. We know that people do not like to hear what we have to say. They want us to go away, exactly as they wanted us to go away years ago. But we have every right to speak for ourselves and we have every right to speak for mothers from other countries. We intend to do that.

Mr CADMAN—Absolutely. That is right.

CHAIR—We respect you for coming and we really do understand where you are coming from. We appreciate the fact that you have come and said it.

Mr CADMAN—What has happened here is that you have stated a very strong point. The committee is charged with a set of terms of reference for its inquiry. You have put a very positive point from your own perspective, which will be noted in the report. I think you are saying to us that there should be no overseas adoption and, preferably, no adoption in Australia—that adoption is out. If a child perishes or cannot get aid, we have to find techniques of trying to stop that other than through adoption. That is a very clear, succinct and straightforward message. I do not know that we can explore it by questioning you about it, having made those assertions.

Ms Lewis—We want to give you another perspective. When I heard about this inquiry being held, I heard it was because prospective adoptive parents are coming to you saying, ‘It takes too long for us to get a child from overseas and it costs too much money.’ We want to say that there is a whole other side to the argument. It is not just about people saying, ‘Because I want a child I should get one, I should get one tomorrow and the government should pay for it.’ This is an incredibly complex issue.

CHAIR—That is a very unfair representation of what people are saying to us.

Ms Lewis—I am sorry, that is what I have heard on radio when I have heard this committee discussed. That is the sort of thing that people were wanting to know: why it took so long for them to get children—

CHAIR—It is a very good question. In Queensland, the situation is so bad that the inefficiencies in the system really do have to be examined and disclosed. There are other jurisdictions where it is being done well. There are different attitudes starting to emerge. As I said before, I am amazed at the statistics I hear about the number of children who are fostered in New South Wales—there are 105,000 of them. That is absolutely appalling.

Ms Lewis—I do not think adopting them is going to fix the problem, though. Adoption is not the answer to these problems.

CHAIR—For a lot of people it has been a very good answer, and there have been very good outcomes. But, as I said, they do not come together in a group and form an organisation to give a point of view, because they are content. But I do understand that, when people feel strongly and

have gone through what you have gone through, you have every right to come and tell us how you feel—and we appreciate that. We respect you for it, and we thank you for it. As there are no further questions, we thank you for coming.

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

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 5.16 pm