

The Senate, Legal and Constitutional Affairs Legislation Committee,
PO Box 6100, Parliament House
Canberra ACT 2600

18th July 2014

RE: Australian Citizenship Amendment (Intercountry Adoption) Bill 2014

The Senate, Legal and Constitutional Affairs Legislation Committee,

Thank you for the invitation to submit to the inquiry into the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014.

Intercountry adoption must, without fail, be motivated by the needs of the child. Likewise, the processes around adoption must be child-centric and not diminished by a desire to simplify or speed up the process, or by budget saving measures.

Children adopted from overseas often have a history of trauma and loss which brings additional and complex emotional, developmental and social needs. A high standard of support early in placement may impact the outcomes for the child and the family placement. Therefore, these exceedingly vulnerable children deserve the highest standard of care and supervision that our country can provide, including provision of specialised support and supervision during their first year in family placement.

Therefore my concerns relating to this bill are as follows:

- Currently, children who would be affected by this Bill come into Australia and their new family placement under the Guardianship of the Minister. This is a child centred approach because it *mandates* regular supervision and follow-up of the child for the first 12 months in its new family.
- Under the current arrangements, families who are experiencing challenges have a shared responsibility with the government. When managed appropriately this enables a greater access to services, advocacy and assistance than what might be available to the family otherwise.
- Therefore it appears that the amendments suggested will decrease the responsibility and accountability of the government to these children and their families, which is not a child centred or best practise approach.
- In regards to children adopted from Ethiopia, the Ethiopian Family Law states that “*The adopted child shall retain his bonds with the family of origin*” and “*The same shall apply to the spouse and the descendants of the adopted child*” (Chapter 10, Article 183, Ethiopian Family Code 2000). This statement may impact the basis on which the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014 changes are based.

The media release of the Second Reading Speech regarding the Bill on 29 May 2014 states that:

*“The application can only be approved if the adoption has been finalised in the overseas country and an adoption compliance certificate issued by the authorities of that country. **The adoption must also have the effect terminating the legal relationship between the child and his or her previous parents.** Importantly, the Minister retains a discretion to refuse an application which meets the requirements”.*

Possible benefit relating to this bill:

- On the other hand, this change to the Bill may simplify guardianship concerns and matters for the child during the period between the adoptive family meeting the child and taking custody in the country of origin but prior to arrival on Australian soil.

Yours sincerely,

Sandi Petersen

References

The Revised Family Code

Federal Negarit Gazetta of the Federal Democratic Republic of Ethiopia, Federal Negarit Gazetta Extra Ordinary Issue No. 1/2000 The Revised Family Code Proclamation No. 213/2000, Addis Ababa 4th Day of July, 2000

Chapter 10

Article 182. — (3) Saving Clauses

- 1) Adoption shall be of no effect with regard to the ascendants or collaterals of the adopter who have expressly opposed the adoption.*
- 2) The opposition referred to in Sub-Art. (1) of this Article shall lie of no effect unless it is registered in a court registry within one year from the approval of the agreement of adoption by the court.*

Article 183. — Relationship of the Adopted Child with the Family of Origin.

- 1) The adopted child shall retain his bonds with the family of origin.*
- 2) The same shall apply to the spouse and the descendants of the adopted child.*
- 3) Wherever a choice has to be made between the family of adoption and the family of origin, the family of adoption shall prevail*

Media Release, ‘The Australian Citizenship Amendment (Intercountry Adoption) Bill 2014 Second Reading Speech, Parliament House, Canberra’, on Thursday, 29 May 2014, found at <https://www.pm.gov.au/media/2014-05-29/australian-citizenship-amendment-intercountry-adoption-bill-2014-second-reading>