


**Committee Secretary**  
**Standing Committee of Family and Human Services**  
**House of Representatives**  
**Parliament House**  
**Canberra ACT 2600**

**SUBMISSION NO. 46**  
AUTHORISED: 9-5-05 *[Signature]*  
**Queensland**  
email:  


Dear committee,

We appreciate the opportunity to present a voice in the upcoming **INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS** as a result of The House of Representatives Standing Committee on Family and Human Services resolve to conduct an inquiry into 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:

*Any inconsistencies between state and territory approval processes for overseas adoptions; and 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.*

This submission focuses on the first term of reference:

**Any inconsistencies between state and territory approval processes for overseas adoptions**

There are a wide range of inconsistencies between states in most aspects of the adoption process. Discrepancies exist in eligibility criteria, state processing costs, processing times, access to applying to adopt, the assessment process, and post adoption resources. As such many families have been to relocate to states where it is possible for them to adopt and in a timely manner. Additionally, the state adoption process and eligibility criteria are subject to the attitudes and policies of the state government holding office at the time.

As a family which has been created through birth and adoption we find many of the adoption related issues discriminative to adoptive families. Furthermore, we have been involved in intercountry adoption for 25 years and undertaken the intercountry adoption process in two states, South Australia and Queensland and are therefore familiar with the inconsistencies across states. Therefore, these are the issues we raise in our submission.

**1. Eligibility Criteria varies considerably from state to state**

State legislation and policies vary considerable with regards to eligibility to undertake an intercountry adoption. The age of adoptive applicants varies at both the minimal age (18-25 years) and the maximum age (40 years to open). While singles and defacto relationships are accepted in many states there is still variations, i.e. Queensland does not allow singles or defaction couples to apply. Similarly, restrictions on the number children in the applying family (i.e. Queensland restricts intercountry adoption applicants to 4 children in their care). Applicants health is often assessed very subjectively with weight issues often excluding otherwise healthy, fit applicants (i.e. state level football player rejected on health because his BMI was too high)

Similarly, there are various and inconsistent state legislation, policies and practices related to the child who can be placed in a family. Sadly, if a child is a little too old (i.e. many states do not approve the placement of single children over the age of 5-6 years), or too close in age with an existing child in the family (many states have regulations which prohibit the adoptive child being less than 2 years younger than the existing child in the family). This is also discriminatory when the same practices are not employed in local special needs adoptions and foster care.

**2. The costs of processing an intercountry adoption application** also varies across the states as you can see by table 1 below. Adoption of children from third world countries should not

be a state revenue making process. New Zealand, no fees are charged by the Department of Youth and Family (the government body responsible for intercountry adoption).

Additionally, there is no financial assistance available to Australian families who form their family through adoption, while other forms of family formation are well subsidised. In many western countries, governments recognise adoption as a valid means of forming a family and assist adoptive families with financial concessions. For example in the USA, families receive a tax credit of \$10000, in Quebec, a tax credit of \$7500 applies to adoptive families and in Sweden, adoptive families receive a cash grant of \$4400.

**3. The efficiency, productivity and accountability of state adoption units** also vary across states and can be subject to state politics and regional attitudes towards adoption and mixed race families. Similarly these factors affect the waiting time for adoption applicants across the states. As can be seen in Table 1.

**Table 1 State comparative Stats 2003-2004**

state	population	#No. of Adoptions	1 adoption per...	cost of ICA	Adoption staff	files prepared	*productivity	processing time
NSW	6,731,400	66	101,991	\$9,700	7	127	18.1	<1 yr
VIC	4,972,800	86	57,823	\$6,250	-	-	-	<1 yr
QLD	3,882,000	49	79,224	\$2,053	12	80	6.7	2-5 yrs
WA	1,982,200	44	45,050	\$2,246	6	76	12.7	1-2 yrs
SA	1,534,300	72	21,310	\$8,377	5	89	17.8	<1 yr
TAS	482,100	22	21,914	\$2,280	2	26	13.0	approx 1 yr
ACT	324,000	26	12,462	\$4,145	2	29	14.5	<1 year
NT	199,900	5	39,980	\$6,100	SA			approx 1 yr
<i>Total</i>	<i>20,108,700</i>	<i>365</i>	<i>55,092</i>					

# adoptions recored are not number of allocations for that year rather those finalised in that year

<http://www.aihw.gov.au/publications/cws/aa03-04/aa03-04.pdf>

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/6949409DC8B8FB92CA256B>

\* productivity = the number of files per worker

ie. Higher the number of files per worker = higher productivity and higher efficiency

#### **4. Countries from which Australians can adopt.**

Less then 400 children were adopted by Australians in 2003-2004. In contrast, over 20,000 were adopted by American families, and a similar number of adoptions took place in Europe. The small number of intercountry adoptions into Australia is a direct result of State and Federal government attitudes to adoption which has produced many obstacles in the process including ever increasing state government fees, There is also a transparent lack of interest on the part of the Central Authority which does not have any full time staff member to administer the role, and is unable to act for all of Australia.

The oft cited dictum of State welfare departments that there are not enough children available for adoption in the world, hence the waiting lists in Australia are so long. However there are more than 40,000 children adopted internationally each year to other countries, yet only 400 children adopted to Australia. However, the reason so few children are 'available' to Australia specifically is two-fold.

1. Australia has a small number of countries from which adoption is permitted. Additionally, it has been arbitrarily determined that new programs can only be established with Hague convention countries. Sadly, it is the countries which do not have the infrastructures to provide services for their orphaned/abandoned children and are therefore unable to implement the Hague Convention,

who have the greatest need for intercountry adoption. Therefore, the children in greatest need are the least likely to be helped by this decision and most Hague signatory countries are adoption receiving countries, with only a few countries where intercountry adoption is needed.

2. The Australian government both State and Federal are very reluctant to be proactive in the establishment of new programs or the development of existing programs. Without the involvement of adoption support organisations many adoption programs would not exist. Unfortunately, this level of involvement by adoption support groups is being restricted, and as a result any progress in developing adoption arrangements even with Hague signatory countries is very slow, for example the development of an adoption program with South Africa.

How can the Australian Government better assist Australians who are adopting children from overseas countries (intercountry placement adoptions)?

We would like to suggest that ultimately -

**1. The Standing Committee on Family and Human Services request each state to submit: copies of their legislation, procedural manuals, policies and guidelines, and their requirement for accepting and processing an application. The information could then be analysed more accurately**

**2. We recommend that the Federal Government assert its role as the Australian "Central Authority" under the Hague Convention with the responsibility of managing intercountry adoption in Australia, creating nationwide intercountry adoption legislations, policies and processes including negotiating and maintaining program with counties.**

**In the short term we suggest that the Australian Government -**

**3. Abolish the fees charged by State and Territory governments for the processing of intercountry adoptions where those fees and charges are in excess of those charged for local adoptions.**

**4. Hold State and Territory governments accountable for their management of intercountry adoption in relation to timely processing, country co-ordination, and productivity.**

**5. Take a proactive stance in the development of new and existing intercountry adoption programs. This can be achieved by removing the ban on new programs with non-Hague countries but treat countries on a case-by-case basis and take the lead in working with one of the state/territory governments on establishing an intercountry adoption program with non-Hague countries like Russia.**

**6. Ensure sufficient consultation when formulating policy.**

We would like to note that we welcome this inquiry and hope that it can achieve a positive outcome for intercountry adoptive parents and children, as well as for NGOs committed to delivering services to such families.

Should you require further information, please do not hesitate to contact us.

Sincerely,

Leith and Robert Harding

Parents of 4 intercountry adopted children.

Residents of ██████████ Queensland.