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Hon Bronwyn Bishop MP
Chair, Standing Committee on Family and Human Services
House of Representatives
Parliament House
CANBERRA ACT 2600

SUBMISSION NO. 57

AUTHORISED: 25-05-05 *[Signature]*

Dear Ms. Bishop,

The Australian Christian Lobby (ACL) welcomes the current inquiry into adoption of children from overseas. This is an area that the Commonwealth, State and Territory governments need to address in detail.

The ACL strongly believes that family is important. Adoption offers an opportunity for couples to become parents or add to their family while simultaneously benefiting the adopted child. In the case of overseas adoption, it allows the adopted child the opportunity to have a loving family in a developed country. While adoption may not be without emotional pain, either immediate or later in life, it remains an important way to provide the benefit of family to those otherwise denied it.

The statistics regarding adoption in Australia are concerning. Adoptions – both domestic and overseas - peaked in Australia in 1971-72 at almost 10,000, but in 2003-04 they had fallen to 502, of which 370 were overseas adoptions.¹ Overseas adoptions constituted a very low percentage of adoptions in the early 70s, but as the domestic adoption rate dropped dramatically, overseas adoptions increased only slightly.

Clearly, there were large numbers of couples willing to adopt in the early 1970s, but the situation would seem to indicate that demand for adoption in general has decreased. The ACL believes that this is due to a significant degree to the administrative and financial disincentives for overseas adoption and hope the Government will look to minimise these.

Inconsistent Approval Processes

The inconsistencies between state and territory approval processes for overseas adoptions are significant. Three commonly cited areas are cost, waiting time and adoption criteria.

¹ Australian Bureau of Statistics, 'Family – Family Formation: Adoptions', *Australian Social Trends*, 1998 and Australian Institute of Health and Welfare, *Adoptions in Australia 2003-04*, Child Welfare Series No.35, 2004, p.x

The Australian Christian Lobby is one of Australia's fastest growing political organisations with a vision to see the Christian constituency influencing the way we are governed, do business and relate to each other as a community.

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Cost

The cost of adoption varies significantly among states and territories. Administrative costs can range from around \$2000 to \$9700 in NSW. Commonly cited figures for the entire overseas adoption procedure range anywhere from \$15,000 to \$40,000 and include the adoption visa, processing fee, multiple police clearances, travel to country of origin, time spent overseas and time required off work for one or both adoptive parents etc.

An adoption visa costs \$1245, but if the child does not pass final health checks the adoption may not proceed. In this circumstance the cost of the adoption visa is neither refundable nor transferable to another child. The Commonwealth should investigate the best way to optimise this fee structure.

Time

The time taken to adopt a child from overseas varies considerably depending on the state/territory and the country of origin. The adoption process may take around 2 years in a smaller state but up to 4 years (or more) in NSW or Queensland.

A long waiting period is a feature of many adoptions. Waiting times vary from state to state and are also dependant on the country of origin. For example, in the case of Lithuania, a couple that has been approved for adoption may wait up to 3 years for allocation of their child. It is important that the processes in the country of origin are comprehensive to avoid illicit activities, but it may be possible for the Commonwealth to assist in refining the procedures that these countries have in place.

Adoption Criteria

Adoption criteria are far from universal. For instance, Queensland takes into account a person's Body Mass Index (BMI) when assessing the health of prospective parents and some states permit adoption by same-sex couples while others do not.

Inconsistencies in Benefits for Adopted and Natural Children

In the case of adoption, there is considerable pressure upon the governments involved (of the state/territory and the country of origin) as they balance two often competing considerations. The first consideration is to ensure that the best interests of the child are met and that the adoptive parents do not rush into the situation unaware of the ramifications of their decision. In this regard, it is fitting that there be multiple checks, a comprehensive application process and some form of financial cost. These factors ensure that the parents are suitable and that they do not choose overseas adoption lightly.

The second competing consideration is that there are thousands of couples in Australia who genuinely want to make a difference and give a child a family by adopting from overseas. Those couples should not be discouraged from the application because of excessive costs, extensive delays or unnecessary criteria.

Significant causes of concern among many current and prospective adoptive parents are the baby bonus and paid maternity leave. At present the baby bonus is only available if the child is under 6 months of age. Paid maternity leave for adoptions is dependant on the employer and the child must be under 5 years of age.

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Considering that an overseas adoption will invariably cost parents considerably more money than having a baby biologically, the Government should investigate issues such as payment of the baby bonus and terms and conditions of maternity leave.

Also, the current ambiguity that exists between same-sex domestic adoption policies of the states and territories must not be carried into overseas adoption policy, even by implication. ACL sees the two states whose policy is to permit domestic same-sex adoption as failing to meet their obligation to "act in the best interests of the child".

Australia's reputation as a destination for adopted children will be damaged and the process presumably further lengthened if this is left unclear. The Commonwealth should move immediately to enact legislation to make it clear that overseas adoptions will only be available to heterosexual couples.

Conclusion

Currently, the overseas adoption process in most states appears to place a strong emphasis on checks and balances at the expense of incentives for adoption. While this administrative overhead is necessary to a degree to protect the best interests of the child, it is now proving a disincentive to adoption and needs review.

The Commonwealth should better promote and facilitate overseas adoptions for suitable parents. It should also pass the previously introduced legislation that prevents same-sex couples from adopting children from overseas in order to safeguard the best interests of the child and Australian states and territories as adoption destinations. Finally, the Commonwealth should encourage the state and territories to harmonise their adoption procedures and criteria where possible.

Yours sincerely,



FOR

JJA Wallace AM
Executive Chairman

22 April 2005