

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.1

Question No. 17

Senator Humphries asked the following question at the hearing on 23 May 2012:

Senator HUMPHRIES: ... Why did the department not advise prospective adoptive parents, many of whom have been waiting for between five and seven years, that the program was going to be put on hold? Why did the department advise states and territories to lie to prospective adoptive parents about why files were no longer being sent to Ethiopia? Given officers from the Attorney-General's Department have now completed another mission to Ethiopia, can the department provide an update at this time, or is it continuing to mislead prospective adoptive parents about the true state of the intercountry adoption program?

Mr Arnaudo: I am happy to take the substance of those questions on notice, but I can categorically state that there has not been any misleading. We have in fact put an update on the website in relation to the most recent visit to Ethiopia that says it is still the most complex and challenging program that we have in our intercountry adoption programs. So we are working very hard with the Ethiopian authorities to try and work through those challenges and also with the orphanages on the ground. But, as I said before, it is our most challenging program. We do try and keep families updated through our website but also in the talking points and messages for the central authorities in the states and territories to deal with the families day to day basis. I am fairly confident that to the extent we can we have tried to provide up-to-date information that is accurate and that reflects the position of the program as it develops. It is always a changing program and it is difficult to manage at times because it is one of those most challenging programs. I will take the other questions you have had on notice and if there is any further information I can provide I will definitely do that.

...

Senator HUMPHRIES: The problem is that according to these documents—

Mr Wilkins: These documents are?

Senator HUMPHRIES: Documents FOIed provided by your department to an applicant based in the ACT which seems to disclose, based on the facts in the emails part of which I have read to the committee, that an arrangement with an orphanage in Ethiopia was not being renewed, was not being renegotiated. Presumably that was an option that it was decided not to pursue. People were continuing to deal with this orphanage in the expectation it would have the status of an orphanage with which the Australian government had formed a contract.

Mr Wilkins: This person has entered into an arrangement with the orphanage or something?

Senator HUMPHRIES: I do not know.

Mr Wilkins: So they are dealing—

Senator HUMPHRIES: I gather from the question that there are a number of families in Australia, some of whom have been waiting for between five and seven years to adopt children, who were not told that this orphanage was no longer going to be an orphanage with which Australia was contracting.

Mr Wilkins: I am not quite sure what the actual complaint is.

Senator HUMPHRIES: The complaint is that people were not told that they should not deal with this orphanage.

Mr Wilkins: And they have dealt with the orphanage, is that right?

Senator HUMPHRIES: To be frank, I do not know.

Mr Wilkins: Can we take this on notice and have a look at it?

Mr Arnaudo: I am happy to take that on notice, and look at the dates as well if that would assist the committee in its consideration of these things.

Senator HUMPHRIES: Okay, perhaps you could take it on notice.

The answer to the honourable senator's question is as follows:

In late 2011, it was agreed by the Australian Government and all State and Territory Central Authorities that a temporary halt on sending new files to Ethiopia was necessary because of the number of families travelling to Ethiopia to complete the adoption process at the same time.

Affected prospective adoptive parents were contacted by their State or Territory caseworkers to inform them of the temporary halt and the reason for that halt.

In mid-January 2012, the Department came to the view that it would not be possible to continue the 12-month orphanage agreement with Tesfa Elderly and Children Support Organisation (Tesfa), which meant that the halt would remain in place while arrangements were explored with potential new orphanages.

The agreement with Tesfa expired by mutual agreement as it was clear that the Program would be unlikely to meet the foreshadowed costs the orphanage wished to impose. The Department advised the State and Territory Central Authorities, the National Intercountry Adoption Advisory Group (NICAAG) and the Australian African Children's Aid and Support Association (AACASA) representatives in late January 2012 that the agreement with Tesfa would not be renewed. The Department also provided those bodies with information to pass on to waiting families upon request, including that the Program's arrangements with the orphanage would soon come to an end and that the halt on sending new files would continue.

Prospective adoptive parents do not deal with orphanages directly, nor would it be appropriate for them to do so. Consequently, a public announcement advising prospective adoptive parents not to deal directly with the Tesfa orphanage was not necessary.

On 28 June 2012, the Attorney-General announced the closure of the Program. The press release issued by the Attorney-General announcing closure of the Program can be found at <http://www.attorneygeneral.gov.au>.

The reasons for this decision are available on the Department's website at <http://www.ag.gov.au/Intercountryadoption/Whatsnew>.