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The Secretary
Standing Committee on Family and Human Services

Dear Secretary

Inquiry into Adoption of Children from Overseas

My wife and I are proud parents of twin boys recently adopted from Taiwan. We have been involved in the adoption community in Queensland since 2002 when we commenced assessment processes to become adoptive parents. While we have been fortunate to have a fairly uncomplicated path through the State, Federal and overseas government requirements, we have gained knowledge of a number of outstanding issues which need to be addressed in a policy and legislative context at the Federal level. On this basis I wish to make a submission regarding items 1 and 2 of the Inquiry into Adoption of Children from Overseas.

1. Inconsistencies between State and Territory approval processes

Tax Relief
The process of intercountry adoption is very expensive – costing approximately $20,000 – $40,000 (comprising State, Federal and overseas government fees). Currently, the Federal Government does not provide any form of tax relief to adoptive parents. In the USA taxation relief is provided at both the State and Federal level – the system in the USA does differ from Australia, as both the State and Federal Governments levy taxes and require taxpayers to lodge a tax return for each sphere.

As taxation is primarily administered by the Federal Government in Australia, consideration needs to be given to tax credits or rebates for intercountry adoption costs incurred in Australia and with overseas authorities. Consideration needs to be given to providing relief over a number of tax years, as the process can take a number of years, and payments will be made over this time.

Countries seeking to place children with Australian families
The legislative requirements regulating intercountry adoption, and countries from which children may be adopted, varies between Australian states. The Federal government is ultimately responsible for upholding the Hague Convention requirements in relation to the adoption of children from overseas countries. It is critical that the Federal government allocate resources to this role to enable the development of relationships with new countries seeking adoptive placements for children in their care. The Federal Government has a role in encouraging and facilitating negotiations between overseas adoption agencies and State Governments, to ensure that the needs of overseas children in need of loving and caring families are addressed in a timely and respectful manner.

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.

My wife and I have recently adopted twin boys from Taiwan. The Taiwanese legal and administrative processes to confirm our status as their parents commenced when the boys were 4 weeks of age and were not completed until they were 27 weeks of age. The duration of these procedures is wholly determined by the Taiwanese authorities and cannot be influenced nor hastened by any Australian agency. It was impossible for us to claim the Maternity Allowance as the Australian government requires the children to be in our physical care in Australia before they are 26 weeks of age but the Taiwanese authorities did not permit us to collect our boys until they were 27 weeks of age.

The cost of setting up a household for 2 babies does not substantially reduce between 26 and 27 weeks of age. Additionally, the costs of adopting from overseas are substantial. As there is a legal requirement for one of the adoptive parents to be at home fulltime (for 12 months in our case), this results in a single-income household and the benefit the Maternity Allowance would provide cannot be overstated. There is no government assistance (Federal or State) towards the cost of adoption. It is unjust that my taxes are used for the Maternity Allowance (and Medicare costs) to all biological parents yet as an adoptive parent I receive nothing in return because of an impossible proviso in relation to adopted children.

This policy and assistance package which seeks to encourage population growth has the effect of discriminating against Australian taxpaying parents and their children adopted from overseas countries. There is no logical basis for this limited application of policy. The Maternity Allowance is one example where basic research by the government into the circumstances of intercountry adoption by Australian families during the policy development process would have revealed the discriminatory impact of the requirements to receive the allowance. The vast majority of children adopted from overseas countries are not babies under 26 weeks of age at the time of arriving in Australia. These children and their parents are making a valuable contribution to the Australian and international community in the short and long term. These families should be supported in a manner equal to children born in Australia and living in Australian families.

<u>Suggested amendment to Maternity Allowance requirements</u>
The "26 weeks of age" requirement for the lodgement of claiming the Maternity Allowance should be changed in the case of overseas adoption. Allowing adoptive parents 26 weeks <u>after they return from collecting their children</u> from overseas to lodge their claim is surely more in line with the spirit of the Maternity Allowance, as well as being on a more equal footing with the benefit, information provided to and timeframe allowed birth parents.

Further, the date of birth of an adopted child should not be a relevant factor in relation to claiming the Maternity Allowance. Given the broad age range of children adopted from overseas and the time taken in processing official documentation once children are allocated to Australian parents, adoptive parents should be entitled to the benefit for children arriving in Australia after 1 July 2004, irrespective of the child's birth

date. The relevant factor is that the Australian parents become financially and physically responsible for their child/ren upon return to Australia from the overseas country. This amendment should have retrospective application to adoptive parents arriving in Australia with their children from 1 July 2004.

Thank you for the opportunity to comment on intercountry adoption issues in Australia.

Yours sincerely,

Scott W Weeks