

Inquiry into adoption of children from overseas

Dear Ms Bishop

Please find enclosed a copy of the corrected version of the transcript of the public hearing of 9 May 2005.

I have read the transcript of evidence to the Committee by the Commonwealth Attorney-Generals Department and would like to comment on some of what was said. I am unsure of the propriety of doing so but we were asked by Committee members to keep reading the proceedings and clarify where we could. Please let me know if this is inappropriate or if I should comment in a more formal manner.

1. On page FHS 47, Mr Wilson of AG's said *"the states believe it is inappropriate for Australia to approach a country and basically say 'We would like to adopt your children'".* I wonder how then an adoption relationship between countries is ever established? I very much doubt that another country is going to approach Australia and say "we can't look after our own children, will you please adopt them from us"? No country would admit to that. The approach has to come, diplomatically, from Australia.

As a parent and as a representative of EurAdopt Australia, I asked the Russian Embassy last year to tell me if Russia was contemplating ratifying the Hague convention soon. The Embassy replied that such a request would have to come from the Australian government. There is an opportunity for the Australian government to open a dialogue. I did ask the AG's Department to consider sending such a letter to the Russian Embassy but they have not replied to me.

Later in his evidence, Mr Wilson appears to contradict himself when he goes on to discuss the situation with Portugal and says on page FHS 51 that *"the Commonwealth Central Authority would initiate government to government discussions"*.

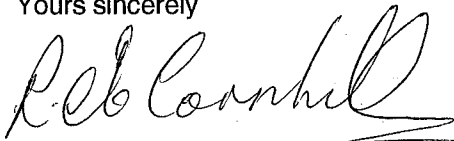
2. On page FHS 50, Mr Wilson says it is his understanding the New Zealand government does not have a relationship with Russia and that the NZ adoptions of Russian children are *"private adoptions"*. As I understand it, the NZ government has accredited an NGO to conduct the arrangements. The NZ government gives final approval to the adoption applications. So they don't appear to be *"private adoptions"*. The NZ NGO and the parents believe the program is working well. I understand the NZ government representative does have some reservations about the program, but the general feeling seems to be that she is rather anti-adoption per se. I have plenty of contacts in the NZ NGO if you wish to communicate with them directly. If any of the Australian states would ever allow an accredited and regulated NGO to administer the paperwork in Australia, we could have the same system (it should be noted that several states allow NGO's to administer local adoptions which by their own admission are more complicated – why not intercountry adoptions? Is it because they are more profitable?).
3. There appears to be an interpretation by the Committee that the states divide up the countries Australians can adopt from and residents of that state can only adopt from the countries their state deals with. If this is so, that is an incorrect interpretation. The situation is that while one state takes a lead on developing the country program, in theory that country program is then available to residents of any other state or territory. The *"lead"* state then may go on to manage the country program and applications from all over Australia are often channelled through that state. Unfortunately, some workers in some states appear to tell applicants that some countries are not available when that country is in fact available to residents in others states. This may be deliberate, or it may be a communication error.
4. On page FHS 52 Mr Quick states that by reading the AIHW document, *"there are over 60 countries on page 46 of the document on intercountry placement adoptions by country of origin 1992-2004"*. I only count just over 50 in the tables on that page. But anyway, it should be noted that this is a misleading table as most of these countries are no longer available in 2005. As noted in the table on page 14 of that report, there were only 13 source countries in 2003-04 and only eight had more than 4 children arrive here.

It is interesting to note that there is no listing of Azerbaijan in this table. As I understand it, 2 children arrived in Australia from that country in late 2003 or early 2004. They were adopted through NSW at the very same time as parent support groups were being told by NSW that Azerbaijan was not a country available to Australian applicants. Of course when this was raised with the NSW government the groups were told that, for privacy reasons, the Department cannot discuss an individual case. It would be interesting for the Committee to follow the Azerbaijan situation up with NSW or AG's.

5. On page FHS 53 you asked Mr Duggan to provide a list of Hague countries with which Australia has signed agreements. It should be noted that prior to signing and ratifying the Hague, Australia already had bilateral agreements with, and was already adopting from, some Hague countries. It will be interesting to see how many new Hague countries we have established programs with since signing the Hague in 1998. At that time government officials assured us many more countries would come online.

I hope these comments help to clarify the issues and assist the Committee in its very valuable work.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Cornhill', with a long horizontal flourish extending to the right.

Rob Cornhill
25 May 2005