

To the Standing Committee on Family and Human Services
Parliament House
Canberra
Via email: fhs.reps@aph.gov.au

Re: Parliamentary Enquiry into Intercountry Adoptions and how the Australian Government can better assist Australian families who have or are adopting from overseas.

Dear Committee members,

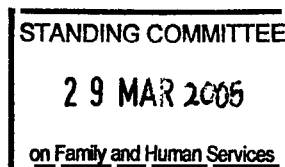
We are in the process of adopting a child from China. The timing of the enquiry is very fortuitous and there are a number of issues we wish to bring to its attention in the hope that some changes to legislation can be considered. In particular we believe that families who adopt children should enjoy the same support and benefits as families lucky enough to be able to have natural children. The choice to adopt is usually made due to infertility or other medical reasons and is the only option for such couples to have a family. The number of children available for local adoption in Australia is so small in number that most families must look overseas to countries with which Australia has an adoption treaty.

The issues we feel are most important follow. These highlight the unequal treatment that adoptive parents receive compared to birth parents.

Maternity Payments and Leave

We are aware that the maternity payments have been increased and that another increase is also scheduled, however this payment is not available to most adoptive parents. The Centrelink website says "Maternity Payment is paid to families following the birth (including stillborn babies) or adoption of a baby, born on or after 1 July 2004. It recognises the extra costs incurred at the time of a new birth or adoption of a baby and is not income tested." For children to be eligible for the payment the age limit is now 26 weeks, however, and this excludes most children adopted from overseas.

The Federal Workplace Relations Act does not provide protection for adoptive parents to take unpaid leave from work at the time of placement if the child is 5 or older at placement and parents taking leave can lose their jobs because there is no protection. Many adoptive parents are aged in their 40s and even 50s and taking on older children who, perhaps, no one else wants – such parents may have been through years of infertility / IVF treatment and have got to their 40s before starting the lengthy adoption process, yet the fact remains that they are becoming parents and will remain home with their child and should be entitled to leave and any family payments just as parents with biological children are. The costs involved in a parent not working for a year (as the Victorian legislation demands) and in looking after a child (particularly an older child) are just as significant – even more so when all the adoption payments and costs are added on.



The Human Rights and Equal Opportunity Commission concluded that there should be no age restriction on the age of the child for parents to qualify for the maternity payment.

My husband and I are self-employed and there are advantages and disadvantages in our situation with respect to work. Maternity payments would certainly help defray some of the costs of having a child, having to employ additional staff to do what we do, and the substantial fees we have already paid and will pay when we travel to China to pick up our child. The Federal Government is trying to encourage parents to have children yet penalising those who, for whatever reason, can't and choose to adopt. As self-employed people, we do not run the risk of losing our jobs to someone without children, nevertheless there are great sacrifices we are prepared to make, but would be eased with eligibility for the family payment.

Legislation currently does not provide any maternity leave for parents who adopt a child over five years of age. It ought to be understood that adopted children need intensive care post placement. Adoption experts state that the older the child at adoption the more difficult the transition period for the child and the more intensive the care with which parents need to provide the child. Indeed, families who adopt older children have to undergo additional education and to have a higher level of skill, support and commitment than families adopting babies because of the special needs of the children. Thus, families adopting older children are more in need of government support not less and there is no reason to exclude any adoptive families from support based on the age of their child. In fact these families need even more support.

The Committee must be aware that babies available for adoption in Australia are very few in number which means that families seeking to adopt must look overseas and usually, because of processing time, accept children older than 26 weeks as younger ones are not ready or available or because of age limitations of the prospective adoptive parents.

Victorian Issues – Department of Human Services

Victoria assesses applicants on their ability to parent an adopted child and considers age just one factor. Processing fees are equal with NSW in being the highest in the country. Most of the staff processing adoptions have worked in this area for some time and this experience contributes to a general smooth running of existing intercountry adoption programs. However, currently there are significant delays caused by lack of resources at one or two critical points in the process, for example accessing the compulsory education programme. The Department is fielding many more enquiries and applications to adopt and is earning increased fees, yet it is not providing any more services and is in need of increased staff and funding. The China program, in particular, is increasingly popular and warrants more staff to assist.

Fees

In addition to a range of processing and legal fees in Australia and in the child's country, travel costs, etc, intercountry adoptive families also pay \$1245 in Visa application fees for each child they adopt. We feel that biological parents enjoy a highly subsidised birth (government Medicare and private health subsidy), so adoption should be similarly subsidized by government and visa fees for children for adoption would be one way of assisting. It should also be mentioned that the

Victorian government subsidises local adoptions, for the few children available for local adoption, via their own service and funding for private adoption agencies, however it is unwilling to similarly fund intercountry adoption services even though these adoptions are cheaper to process than local adoptions.


Some overseas governments provide financial assistance, for example US families adopting a child receive a \$10,000 tax credit to assist in adoption costs. Our government could consider similar support which would reinforce its desire to encourage families to have more children.

Lack of Consultation

More and more overseas adoptions are occurring every year. The general population, however, has little knowledge of the needs of adopted children and their parents and because there is no consultation this results in a lack of support for adoptive families. The maternity payment and adoption leave issues are examples of this. It is clear that in the formulation of legislation and policy that affects adoptive families that consultation with adoptive families is needed and some sort of formal process should be instituted to ensure that this vulnerable but growing group is included in the future.

We thank you for the opportunity to make this submission and look forward to hearing of legislated changes which equalise the treatments afforded birth and adoptive parents.

Yours faithfully

Kate and Charles Qin


24 March 2005