

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

**Group 2**

**Program 1.3**

**Question No. 90**

**Senator Colbeck asked the following question at the hearing on 16 October 2012:**

1. How does the Australian government intend to comply with the Hague convention statement that the adopted child should

*“...grow up in a family environment, in an atmosphere of happiness, love and understanding, recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin”*

if the sibling of an Ethiopian child adopted by Australian parents is put up for adoption after the closure of the Australian-Ethiopian Adoption program?

2. If the “family of origin” consists of only one other child, due to the death of family members, abandonment, or the inability of the child’s family, community or country to provide adequate care other than an orphanage, and that child is put up for adoption, shouldn’t that child be given the opportunity to live with the family under which the adopted sibling is already placed?
3. How many times did the Australian government open and close this program in the last 10 years and what was the justification for each closure / reopening?
4. What services/ activities associated with this program are cost recovered?
5. What services/ activities associated with this program are appropriated?
6. Is this program subject to the efficiency dividend?
7. What was the budget for the Ethiopian Intercountry Adoption program for the last 10 years?
8. How many adoptions were successfully arranged during this time?
9. How are fees associated with family searches within Ethiopia established?
10. Is this a flat fee or is it based on time taken to undertake the search?
11. What is the hourly rate for such work?

12. What feedback is provided to potential adoptive parents in regard to the fees charged and results of family searches?
13. What KPIs did the program and other intercountry adoption programs have to meet?
14. How does this program compare with other intercountry adoption programs with regard to these KPIs and in terms of costs, number of children successfully adopted, fees and charges for services?
15. Have there been any external or internal investigations of this program?
16. If so, what were the results?
17. If not, should there be an investigation?

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

1. As stated in the Attorney-General's Department's policy and procedures document on subsequent sibling adoption (which is publicly available on the Department's website), despite the relationship between an adopted child and their siblings, it may not always be possible for a subsequent sibling adoption to take place.

State and Territory adoption legislation and the requirements of the country of origin will affect a prospective adoptive parent's ability to adopt a sibling/s of their adopted child or children. In some cases, a prospective adoptive parent may no longer be suitable or eligible to adopt a child in their relevant State or Territory or in the sibling's country of origin.

2. See answer to question 1.
3. The Australian Government assumed responsibility for the management of the Program on 1 July 2007. In November 2009, it suspended the Program. A key reason for the suspension was the new Ethiopian Government requirement that the Program enter into a formal agreement to provide community development assistance. The Australian Government undertook a formal review of the Program, implemented changes, and reopened the Program in April 2010.

The Program was subsequently closed in June 2012. The Attorney-General's Department has publicly provided comprehensive reasons for the closure on its website at <http://www.ag.gov.au/Intercountryadoption/Whatsnew>.

4. Fees paid by prospective adoptive parents directly to the Program's account in Ethiopia were used to meet fixed and variable running costs incurred in the daily operation of the Program and in facilitating each individual adoption. Examples of these costs included:
  - office rent, transport and utilities
  - payment of Australian Representative's salary

- payment of Ethiopia-Australia Program office staff salaries
  - independent auditing of records as required by the Ethiopian Government
  - regional travel costs to obtain paperwork/assess potential partner orphanages
  - background checking for each child referred to the Program
  - care of the children during the transition period
  - panel doctor exams, and
  - administrative costs incurred during the court proceedings, the adoption process and in obtaining Ethiopian emigration documents.
5. Costs of services / activities associated with the Program which were funded by the Department as part of its management of the Program include those related to staffing and travel.
  6. Staffing and travel funded by the Department as part of its management of the Program are subject to the efficiency dividend as are all Departmental activities met by the Departmental budget.
  7. The Australian Government assumed responsibility for the management of the Program on 1 July 2007. There was no specific budget for the management of the Program. Staffing and travel costs funded by the Department as part of its management of the Program were met by the broader Departmental budget and fees paid by prospective adoptive parents directly to the Program met fixed and variable running costs incurred in its daily operation and in facilitating each individual adoption.
  8. According to Australian Institute of Health and Welfare statistics, the number of adoptions of Ethiopian children finalised in Australia over the past 10 years is 442.
  9. The fees for the post-adoption service provided by the Australian Representative are set on a cost recovery basis. Specific fees are negotiated on a case-by-case basis between the State or Territory Central Authority and the Australian Representative. The Central Authority discusses all fees with the adoptee or adoptive family.  
In view of the Program's closure, the Department is currently considering future arrangements for post-adoption searching.
  10. See answer to question 9.
  11. See answer to question 9.
  12. The Department has published on its website comprehensive post-adoption guidelines to provide information about the process that adoptive families should follow when searching for birth families in Ethiopia. It provides information about fees and the realities of post adoption searching.

13. The Department manages Australia's intercountry adoption programs in accordance with its *Intercountry Adoption Strategic Plan 2009* which is publicly available on its website. Australia's intercountry adoption programs do not have key performance indicators (KPIs). The Department aims to ensure that Australia has a nationally consistent and coordinated approach to the establishment and management of ethical and viable intercountry adoption programs.

14. As stated above, Australia's intercountry adoption programs do not have KPIs.

The Ethiopia Program was structured differently to Australia's other intercountry adoption programs which operate via a Central Authority to Central Authority model (eg China, Philippines) or a Central Authority to government licensed/accredited adoption agency model (eg South Korea, Taiwan). In each of these cases, the Central Authority or the adoption agency is responsible for meeting its own running costs, which are typically partially funded by fees paid by prospective adoptive parents.

The Ethiopia Program, run by the Australian Representative in consultation with the Department, established its own fees. In the broader context, the fees charged by the Program (US\$12,000) were less than those charged by South Korea (US\$16,500), Taiwan (up to US\$14,000) but more than China (US\$6,000) and the Philippines (US\$3,500).

15. Yes, following the Program's suspension in November 2009, the Program was formally reviewed by the Attorney-General's Department.

16. The 2009 review identified problems and concerns in relation to the Program, and determined that it had not been operating efficiently and in accordance with Australia's understanding of its obligations under the Hague Convention. It recommended that, with significant structural and operational changes, the Program could function efficiently and in a Hague-compliant manner. Since then, the Department has maintained close ongoing involvement in the management of the Program. This included conducting several delegation visits throughout 2010, 2011 and 2012, which assessed the ongoing ethics and viability of the Program under the new arrangements, and how the Program was operating in practice.

17. Not applicable.