

ADOPTION

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**QUESTIONNAIRE SUR LES ORGANISMES AGRÉÉS DANS LE CADRE DE LA
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION
DES ENFANTS ET LA COOPÉRATION EN MATIÈRE
D'ADOPTION INTERNATIONALE**

établi par le Bureau Permanent

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**QUESTIONNAIRE ON ACCREDITED BODIES IN THE FRAMEWORK OF THE
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION
OF CHILDREN AND CO-OPERATION IN RESPECT
OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

*Document préliminaire No 1 d'août 2009 à l'intention de la
Commission spéciale de juin 2010 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants et
la co-opération en matière d'adoption internationale*

*Preliminary Document No 1 of August 2009 for the attention of the
Special Commission of June 2010 on the practical operation of the
Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Intercountry Adoption*

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Introduction

The Permanent Bureau is undertaking preparations for the Third Special Commission Meeting to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Hague Convention), which is to be held in The Hague in June 2010. It is intended that the Special Commission will provide the opportunity for State Parties to the Convention (as well as States which are considering or preparing for ratification or accession) to exchange information and experiences on the operation of the Convention, to compare practices, and to discuss any difficulties in respect of the implementation and practical operation of the Convention.

Following the recommendations of the 2005 Special Commission, and based on the Discussion Paper on Accreditation Issues,¹ the Permanent Bureau is gathering information for a new Guide to Good Practice on Accreditation. The following Questionnaire has been developed for this purpose. Your responses to this Questionnaire will be an invaluable source of information for us in developing the new Guide.

As you know, in many countries, accredited bodies perform the functions of Central Authorities in relation to particular adoptions under the 1993 Hague Convention. The process of accreditation of bodies is one of the Convention's safeguards to protect children during the adoption process. The Convention requires that accredited bodies be not for profit, staffed by qualified and experienced personnel and be subject to supervision by competent authorities (Art. 11). Basic standards are imposed by the Convention to guide the accreditation process. It is implicit in the Convention that States will develop their own accreditation criteria, based on Convention objects and standards and expanded as necessary to meet the requirements of the individual State. The new Guide will include a set of model accreditation criteria.

In addition, according to Article 12, bodies accredited in one State and wishing to operate in another State must be specifically authorised to do so by the competent authority of both States (the accrediting State and the State of operation). In order to clear up some misunderstandings, the new Guide will explain the differences between accreditation and authorisation.

This Questionnaire is addressed to Member States of the Hague Conference and Contracting States to the 1993 Hague Convention. Obviously, it is understood that some questions can only be readily answered by Contracting States. It is also understood that some questions are more relevant to States of origin than to receiving States and vice versa.

As regards all other States which are not yet Party to the Convention, as well as certain intergovernmental organisations and non-governmental international organisations which have also been invited to Special Commissions as Observers, we would welcome from them any comments in respect of any items in the Questionnaire which are considered relevant.

We intend, except where expressly asked not to do so, to place all replies to the Questionnaire on the Hague Conference website. We would therefore request that replies be sent to the Permanent Bureau, if possible by e-mail, to: **secretariat@hcch.net**.

*We would be very grateful for your co-operation in this exercise, and we hope that you will be able to send us your replies to this Questionnaire **by 30 September 2009**.*

¹ "A Discussion Paper on Accreditation Issues", drawn up by Jennifer Degeling, Principal Legal Officer, with the assistance of Carlotta Alloero, Intern.

NAME OF STATE OR ORGANISATION: **Australia**

EXPLANATIONS AND QUESTIONS

If a question does not apply to your State, please answer "Not applicable" or "N/A".

Some questions can be answered by marking a box.

Where your answer refers to specific provisions of your law / laws, please cite the law and provision number as it may be a helpful reference in the Guide to Good Practice.

Where your answers can be enhanced by providing a link to an electronic version of a document (e.g., guidelines, criteria), please give that link.

USE OF TERMINOLOGY

There are three situations in which accreditation and authorization (as used in the Convention) may occur. A distinction is to be made between "accreditation" and "authorisation":

- (1) adoption bodies are accredited in the receiving State to work in States of origin (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**);
- (2) those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12) (1993 Hague Convention terminology: **authorisation**);
- (3) bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to adoption (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**).

NB: FOR STATES OF ORIGIN, PLEASE MAKE IT CLEAR IN YOUR ANSWERS IF YOU ARE REFERRING TO YOUR OWN ACCREDITED BODIES OR TO FOREIGN ACCREDITED BODIES WORKING IN YOUR STATE.

A. General policy issues concerning accreditation

1. In your State what terminology do you use for the situations described in (1), (2) and (3) above? Is it the same or different? If different, please specify, define and indicate if you intend to use your own terminology to answer the following questions.

In correspondence and discussion concerning such bodies, Australia generally refers to:

- (1) "accredited bodies/agencies"; "non-government intercountry adoption service providers";
- (2) NA to Australian operation and therefore not discussed; and
- (3) Australia only works with a limited number of overseas partners, including both government bodies and accredited bodies. When referring to a particular program we generally refer to the relevant body by name. When referring to arrangements more generally, Australia uses various terms somewhat interchangeably – including "relevant agency/ body/authority in country of origin", "overseas partner".

2. Is your State a receiving State or a State of origin or both?

Australia is a receiving State.

3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date?

NA. Yes.

If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision. Please answer any questions that are relevant to your State's situation.

Australia is a federation. The *Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program* (Agreement) was signed by relevant Commonwealth, State and Territory Ministers in July 2008. The Agreement assigns to the Commonwealth overall responsibility for providing leadership, guidance and national coordination as well as establishing and managing intercountry adoption arrangements. States and Territories have responsibility for managing individual adoption applications and providing services directly to adoptive families.

The Agreement empowers the States and Territories to accredit bodies to provide intercountry adoption services but provides that, should the Commonwealth seek to accredit a body, the Agreement would need to be reviewed. The Agreement establishes the *Guidelines in Relation to the Accreditation of Bodies under the Hague Convention* (Guidelines) which includes Accreditation Criteria that a body must satisfy as a minimum if it is to be accredited.

Experience of and views on accreditation differ between the jurisdictions. Currently, only one jurisdiction, New South Wales, is actively seeking to identify an appropriate non-government organisation which could provide intercountry adoption services. Other jurisdictions have taken various decisions including to not seek to accredit bodies to do intercountry adoption and to allow the accreditation of a previously accredited body to lapse without renewal.

Factors taken into account include:

- concern that non-government intercountry adoption service providers often originate as adoptive parent support groups and thus may focus on parents as clients rather than on the best interests of the child,
- concern that accredited agencies that operate on a fee-for-service basis could be ethically compromised because their viability is dependent on the number of adoptions that they facilitate,
- concern that the financial viability of non-government intercountry adoption service providers would be compromised in the face of fluctuating numbers and changing characteristics of children in need of overseas families
- the need for government to invest considerable resources in:
 - establishing an accreditation framework,
 - preparing non-government organisations for accreditation,
 - accrediting and ongoing monitoring of accredited bodies, and
 - providing funding to the accredited bodies to enable them to remain viable,
- need for rigorous Government oversight through quality assurance and monitoring of accredited bodies to ensure compliance with Hague Convention principles,
- Australia's Government-run programs are highly regarded internationally, transparent and accountable and likely to be more financially and structurally robust than non-government bodies,
- lack of political agreement to establish nationally accredited bodies
- concern about economies of scale for State-based accredited bodies
- lack of intercountry adoption expertise in many jurisdictions among existing non-government organisations,

On the other hand, it has been argued that:

- non-government intercountry adoption service providers may be able to provide better community-based service delivery; and
- some non-profit bodies have substantial experience in providing high-end clinical adoption and post-adoption services in the domestic context and such expertise

could be translated to the intercountry adoption context.

4. How do you define "accreditation" and "accredited body" in your State?

The Agreement refers to accreditation of "a body for the purposes of Article 9 of the Convention". The Guidelines establish a number of criteria for such a body, including that it be incorporated and not for profit; it must not be or have been involved in negotiations or agreements for establishing an adoption agreement with an overseas country, it must be financially viable, employing professional, experienced staff etc

5. Do the following categories of actors come within the definition of accredited body (are they included as accredited body staff, employees or personnel)?

NA

- facilitators (if they exist in your State, please specify their role)
- national representatives of foreign accredited body
- translators
- lawyers (e.g., with a power of attorney from prospective adopters)
- guide, drivers, etc.

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason.

Australia currently has no accredited bodies. One jurisdiction allowed an accredited body's accreditation to lapse without renewal in 2005, including because of concerns about its operations. Another jurisdiction considered but refused to grant accreditation to a body seeking to operate a private adoption agency. The responsible Minister would have given consideration to issues such as compliance with principles of relevant legislation, the agencies' financial viability, corporate and operating structures, and their ability to meet monitoring and accountability requirements.

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures?

NA

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed?

No

9. Does the Central Authority or the accredited body make the choice of the foreign States with which the accredited body could work (if authorisation were to be given)?

The Australian Central Authority establishes and oversees intercountry adoption programs. Australia operates on an "opt-in" basis, that is, we only send files to countries with which we have established programs or an approved ad hoc basis. If any bodies were to be accredited in the future, the intention would be that the body would operate within these general parameters. At 30 September 2009, Australia had intercountry adoption programs with 14 foreign States.

Receiving State questions

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:
- a) any State of origin;
 - b) a specified State / States of origin?

Australia's only previously accredited body was authorised to conduct adoptions only from countries with which Australia had a program and not from countries where no program had been approved by Government. Applying current operational expectations, if an Australian State or Territory was to accredit a body, it would be required to work only with relevant agencies/bodies/authorities in countries of origin with which we already operate programs, or possibly on a limited ad hoc basis when various strict criteria are established. Alternatively, an accredited body could be limited to operating in just one country or program.

- (ii) Do you limit the number of accredited bodies for every State of origin?

NA

B. Organisation and structures

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:

NA

- Composition of the accredited body's personnel and any changes
- Qualifications and experience of personnel
- Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct
- Internal statute, regulations and guidelines of accredited body, including
 - documents which demonstrate the legal constitution of the accredited body
 - financial management and accounting practices
- Costs and expenses charged by accredited body
- Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure
- Budget forecasts for 12-24-36 months
- Copy of the standard-form contract between the body and adoptive candidate
- Insurance for legal liability
- Other – please provide details

Receiving State questions

NA

- Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate
- Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
- Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
- Copy of the statement of authorisation or approval to work in the State of origin if applicable
- Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
- Evidence of knowledge of the adoption law and practice in the State of origin, and understanding of the role of counterparts in the State of origin

12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes,

which professions? (e.g., lawyers, psychologists, psychiatrists, social workers, etc).

If an Australian state was to accredit a body, the Guidelines require the principal officer to have appropriate tertiary qualifications and experience in adoption, substitute care or family services and must employ professional staff with appropriate qualifications. Individual states may provide additional more detailed guidelines.

13. If volunteers are used, what is the ratio of volunteers to professional staff?

NA

14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?

NA

15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?

NA – however, one jurisdiction currently seeking to accredit a body is providing technical and financial assistance to enable a body to reach accreditation standards.

16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?

NA

17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?

NA

C. Accreditation procedure

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.

Five Australian States and Territories have the power to accredit bodies to provide intercountry adoption services. The powers to accredit are conferred by the Adoption Act in each of New South Wales, Victoria, Western Australia, the Australian Capital Territory and Tasmania.

By way of example, in New South Wales, organisations wishing to provide adoption services must apply to the NSW Office for Children - the Children's Guardian (OCCG) for accreditation. (The OCCG's primary accreditation role is in Out of Home Care and domestic adoption. Its intercountry adoption accreditation process is based on this experience.) The organisation must: meet prerequisites and general conditions and applicable Adoption Standards; provide policies and procedures for all applicable core and supporting standards and template documents used to implement policies and procedures. Organisations are required to submit a number of mandatory documents as part of their application, including: map of the organisation's structure; relevant funding agreements; floor and location plans for the premises; proof of the organisation's not-for-profit status; certificate of financial viability from an external auditor; details and evidence of Board members and officers' qualifications and experience; details of fees; Statement of Contemporary Adoption Practice; self-study report; and, a signed agreement to abide by the principles of applicable legislation and international instruments. New providers may have specific conditions attached to their accreditation while their organisation builds up experience and capacity. Organisations are accredited for a period of 5 years and will be subjected to annual reviews of their operations.

19. Please give a brief outline of your accreditation criteria, guidelines or legislation. If

possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

The *Adoption Act 2000 (NSW)* empowers the Director-General to establish accreditation standards with which an applicant for accreditation must comply to be accredited. The Director-General may also take into account: qualifications, experience, character and number of persons involved in the activities of the organisation. The *Adoption Regulations 2003 (NSW)* prescribes the NSW adoption standards as the standards to be complied with by an applicant for accreditation.

20. Is there a central registry of all accredited bodies?
NA

21. For how long is the accreditation granted?
NA

22. What are the conditions for renewal of accreditation?
NA

D. Authorisation of foreign accredited bodies

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation?
NA

24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process.
NA

25. Is the Permanent Bureau informed of the authorisations?²
NA

Receiving State questions

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?
None

27. On what basis does the accredited body seek authorisation to work in a State of origin?
NA

28. What factors or criteria are relevant for the Central Authority (or competent authority) to consider when giving or denying authorisation to work in a State of origin?
NA

State of origin questions

29. As a State of origin, have you authorised foreign accredited bodies to undertake intercountry adoptions in your State (see Art. 12)? How many accredited bodies are currently authorised and from which receiving countries? How many were authorised as at 31 December 2005?
NA

² "Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay", Recommendation No 3 of the 2005 Special Commission (reaffirming Recommendation No 2 of the 2000 Special Commission).

30. As a State of origin, is the foreign accredited body required to be fully accredited by your State and by your procedures, rather than simply "authorised"?

NA

31. As a State of origin, how do you decide how many foreign accredited bodies are needed in your State?

NA

32. Countries of origin: If you authorise a foreign accredited body to "act" in your State, does this mean:

NA

a) the foreign accredited body must establish an office with professional staff (nationals of the State of origin or of the receiving State)?

b) the foreign accredited body can "act" in your State through an individual facilitator or intermediary

c) the foreign accredited body does not have an office or intermediary in the State of origin and it liaises directly with the Central Authority?

33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State?

NA

E. Supervision and review of accredited bodies

34. How do you supervise bodies accredited in your State (Art. 11 c))? Are regular reports required such as annual reports (including financial reports) from the accredited body to the supervising authority?

NA

35. What supervision occurs in the State of origin of authorised foreign accredited bodies?

NA

36. How is the performance of the accredited body assessed or evaluated?

NA

37. Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? Have secrecy or privacy laws hindered inspections?

NA

38. Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)?

NA

39. Does your law have provisions to deal with breach of duties or breach of the conditions of accreditation by accredited bodies? *E.g.*, Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details.

NA

40. If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement?

NA

41. Is it possible to suspend or withdraw accreditation if the general situation in the State no longer offers the necessary guarantees for intercountry adoptions?

NA

42. Are there restrictions upon activities of accredited bodies (e.g., advertising their services; advertising, including on the internet, of adoptable children; limits on amounts that can be charged for fees and other expenses)?

NA

43. Are you aware of any acts or behaviour by accredited bodies that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

NA

44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour?

NA

45. Is there collaboration among the accredited bodies working in the same State of origin, or in different countries? If so, what kind of collaboration?

NA

46. Is the information on each accredited body's website regularly checked by the supervising authority? By an authority in the State of origin with which it co-operates?

NA

F. Financial issues

47. How are your accredited bodies financed?

NA

48. How are fees and charges set? *E.g.*, by accredited bodies themselves, by a public authority. Is there bilateral co-operation between your State and other countries to establish appropriate fees for the 2 countries concerned?

State and territory Central Authorities set fees and charges applicable in their jurisdiction for the adoption processes in Australia.

49. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities?

Full fee listings are available from each State and Territory Central Authority. See attached.

50. How and when is that information provided to adoptive candidates?

Fees imposed in Australia are set out in legislation, in information packs distributed following expressions of interest, and on Central Authority websites. Fees imposed by overseas partners are included in country program information on the Australian Central Authority's website.

51. How is financial transparency and accountability of accredited bodies achieved? *E.g.*, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement?

NA

52. Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? Under what conditions?

Prior to an adoption being finalised, Australia considers it appropriate for prospective

adoptive parents to provide contributions for broader child protection services as part of fees charged by the country of origin. Australian policy is to encourage prospective adoptive parents to notify their State or Territory Central Authority when children's homes seek ad hoc donations and they consider the provision of money would be improper or inappropriate. Australia does not support unregulated ad hoc donations to overseas bodies by adoption applicants.

Where adoptive parents are providing donations to children's homes after the finalisation of the adoption, the Australian Central Authority advises them to be cautious when making such donations and be conscious of the possible consequences of creating a situation of dependency and raised expectations.

53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

Costs in the receiving State

- a) registration with an accredited body,
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.
- c) costs for adoption training and preparation courses for prospective adoptive parents
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
- f) cost of professional services in the receiving State (*e.g.*, lawyers, notaries, doctors)
- g) other – please specify.

Costs associated with the intercountry adoption process in Australia are levied by Australian State and Territory Central Authorities. Each Central Authority generally staggers the total adoption fee paid by prospective parents across four stages. Broadly, these stages are: expression of interest/education and training for prospective parents; application assessment; preparation and sending of the application/dossier overseas; and post-placement supervision and finalisation of the adoption. Costs associated with legalisation, notarisation, and authentication of documents are additional costs paid by prospective parents. The range between fees charged by States and Territories is quite large, depending on whether the fees represent cost recovery or are subsidised.

Costs in the State of origin

- a) the body's administrative costs,
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.),
- c) co-ordination of the case through (in-country staff of) the accredited body,
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,
- e) cost of filing of the documents with the appropriate authorities,
- f) translation and assistance,
- g) legal or administrative costs in the State of origin,
- h) transport and hotel costs for the adoptive parents,
- i) humanitarian contribution and donation to the orphanage, etc.,
- j) other – please specify.

Costs imposed by countries of origin where Australia has an established intercountry adoption program vary from country to country. The present range of formal program fees/costs paid by prospective Australian parents is approximately USD\$100 (Chile) to

USD\$12,000 (South Korea). These costs may include some of the items at (a)–(j). The most common cost range is USD\$3,500–\$7,000.

These costs are set by the competent authority in the country of origin and cover a variety of administrative and co-ordination costs necessary for the adoption (including humanitarian contributions where applicable). The Australian Central Authority advises prospective parents that the following incidental costs are generally not covered in the total fees/costs set by the country of origin:

- costs associated with travel, accommodation and immigration,
- translation, notarisation, legalisation, authentication costs of documents associated with the adoption process in the country of origin,
- courier costs for transmission of dossiers and other relevant documentation,
- where applicable, costs of interpreters or escorts whilst the prospective parents are in the country to meet their child, and
- other travel documents needed for the child, including passports.

54. What is the relation between adoption fees (and contributions) and actual costs? Is it calculated for the whole budget of the accredited body, or per State, or does each adoption carry its own costs? How is the relation between fees and actual costs supervised?

Adoption fees paid by prospective adoptive parents in Australia partially contribute to the total cost of providing adoption services. Australian State and Territory governments subsidise adoptions to varying degrees and allocate a set budget to the relevant Central Authority from general government revenue to operate. This is supervised by Government budget processes.

55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

State of origin questions

56. In the State of origin, who is responsible for the co-ordination of the costs: an accredited body's employee? A third-party? In case of a third-party, how is he selected? How is he financed? How is he evaluated? What mechanisms are in place to ensure that these costs are reasonable and transparent? What are the factors that make these costs vary from one adoptive file to another?

NA

G. Operational issues

57. Which are the tasks carried out by accredited bodies in your State? Tick boxes if applicable. For countries of origin, please specify if your own national accredited bodies or foreign accredited bodies perform the tasks.

Receiving State questions

None

- Determination of eligibility of prospective adoptive parents (legal criteria)
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria)
- Decision granting approval for the prospective adoptive parents to adopt
- Information and preparation of adoptive parents for intercountry adoption
- Make the matching decision
- Counselling of PAPs about child proposed to them (the proposed match)
- Agreements under article 17 of the 1993 Hague Convention
- Arrange to file documents with Court or authority of State of origin
- Report to supervising authority on status of the adoption
- Assist PAPs with Travel preparations
- Follow, know, understand, and supervise the procedure for the adoption
- Other tasks: please provide details

State of origin questions

NA

- Assessment of the adoptability of a child
- Work with birth parents on family preservation to avoid adoption of the child
- Decision on the adoptability of a child
- Counselling and information for birth parents / consequences of consent
- Obtaining Consent
- Search for parents in cases of abandonment
- Assume responsibility for the child prior to the adoption
- Prepare the child for adoption
- Agreements under Article 17 of the 1993 Hague Convention
- File adoption documents with court or authority
- Search for socio-biological background information of child and birth family and reunion with birth family
- Make the matching decision
- Preparation of the adoptive child
- Assistance provided to the adoptive parents during their stay
- Other tasks: please provide details.

H. Post adoption services and reports

58. What post adoption services do your accredited bodies offer (e.g., counselling and family support)? Is provision of post adoption services one of the conditions of accreditation?

NA

59. Are there any publicly funded post adoption services?

State and Territory Central Authorities provide post-placement support and supervision for one year following placement. Longer term services are provided by a range of Government and non-Government organisations and community-based support organisations.

There are a number of specialist professional adoption services in Australia which receive State and Territory Government funding, including the Post Adoption Resource Centre (NSW), Post Adoption Support Service (South Australia) and the Adoption Research and Counselling Service (Western Australia). Queensland is currently establishing a similar service. Services provided through these bodies include: provision of information and resources, counselling, search and tracing services, reunion support and referrals to other support services

Receiving State questions

60. Do accredited bodies have to provide regular reports on the child? To whom are the reports sent e.g., Central Authorities of State of origin and of receiving State? Other?

NA

61. Do your accredited bodies prepare the post adoption report or do they ask the adoptive parents to prepare it and send it to the State of origin? If a public authority is responsible for post adoption reporting, please explain.

State and Territory Central Authorities prepare and send post adoption reports based on their post placement supervision, generally for up to one year after the child has been placed with the family. Where countries of origin require additional reports, adoptive families prepare and send these reports on an individual basis.

62. How do you monitor the obligation to the State of origin to send post adoption reports?

State and Territory Central Authorities provide any required post adoption reports and

monitor obligations during the post placement supervision period.

J. Approved (non accredited) bodies and persons³

63. Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2)) to arrange intercountry adoptions. If not, go to Question 68. If yes,

No

64. Have you informed the Permanent Bureau of the details of approved (non-accredited) bodies or persons in your State, as required by Article 22(3)? Is the information which is currently on the Hague Conference website up to date?

65. What are the guidelines by which approval is granted?

66. What is the process by which approval is granted and renewed?

67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))?

68. Has your State made a declaration under Article 22(4) to prohibit the involvement of approved (non-accredited) bodies or persons in intercountry adoptions?

No

69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or persons that contravened their conditions of approval? Please also provide details of any sanctions or penalties applied.

NA

State of origin questions

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to "act" in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)?

NA

K. Development aid activities

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin?

Australia is supportive of receiving countries providing support to assist countries of origin to develop domestic child protection systems. Any contributions to humanitarian or development projects should be transparent and not influence decisions about the placement of children for adoption.

72. What types of activities are undertaken?

NA

73. How do you ensure that the humanitarian aid does not influence or jeopardize the integrity of the intercountry adoption process (e.g., by the expectation of a regular "supply" of children in exchange for regular humanitarian or development aid)?

NA

³ The term "non-accredited person" was used in the Explanatory Report of Professor Parra-Aranguren to refer to the person in Art. 22(2). Some countries now employ the term "approved person" when referring to person in Art. 22(2). However, the 2005 Questionnaire responses revealed enormous confusion when the term "approved persons" was used. Consequently, the Guide to Good Practice has followed the usage of the Explanatory Report to try to improve the public's understanding of the functions of these particular persons. The term "approved (non-accredited) person" is a compromise to retain the precision of the Explanatory Report, but recognises the usage by some countries of the term "approved person".

L. Co-operation between countries

74. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies?

Australia has recently experienced some challenges in accessing detailed information about the licensing and monitoring of accredited bodies in some countries of origin.

75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

Countries (receiving or of origin) with a limited capacity to regulate the accredited bodies operating in their jurisdiction can present substantial challenges for ethical intercountry adoption.

Australia acknowledges that the workload for licensing and monitoring accredited bodies can be resource-intensive. However, without robust regulation from Central Authorities there are increased risks of irregular practices occurring, and of intercountry adoption practices being driven by the demand of applicants rather than the needs of children.

In the spirit of cooperation, a clear understanding of monitoring processes and responsibility would be an important resource when trying to resolve any irregularities or other concerns that may arise in the adoption process. Detailed information on these processes can greatly assist receiving countries to work productively and appropriately with those accredited bodies, as well as the Central Authority.

76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies?

In Australia, the Australian Central Authority establishes and broadly manages Australia's overseas adoption arrangements and State and Territory Central Authorities manage individual applications, including conducting adoption assessments and providing post placement supervision. The Australian Central Authority is aware that this can sometimes present conceptual difficulties for some actual or possible partner countries because the majority of receiving countries use accredited agencies. Australia has developed a diagram to assist in explaining the nature of relationships. [link / attach ?]

Australia is committed to working cooperatively with our overseas partners, and endeavours to address any difficulties identified by them. Australia considers its system offers a high degree of integrity.

77. Are there any particular aspects of your accreditation procedures e.g., good practices that you would like to bring to the attention of other States?

Australia considers that strict and close government regulation, monitoring and oversight (either directly or of accredited bodies if they are used) are essential components of ethical and viable intercountry adoption, providing accountability, responsibility and rigorous safeguards for protecting the best interest of the child involved intercountry adoption.

78. Do you have any other comments about any of the topics covered by this Questionnaire?

State of origin questions

79. Have you experienced any pressure from foreign accredited bodies?

NA