

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Adoption Act 2000* to allow couples of the same sex to adopt children. At present under that Act, a **couple** is defined to mean a man and a woman who are married or who have a de facto relationship. The Bill amends that definition, along with the definition of **spouse**, so that they include persons who are de facto partners. The definition of **de facto partner** in the *Interpretation Act 1987* refers to persons whether they are of the same sex or a different sex. The Bill will also enable the same sex de facto partner of a person who is the adoptive parent of a child to adopt that child in his or her capacity as a step parent.

The Bill also:

(a) amends the *Anti-Discrimination Act 1977* to exempt faith-based adoption agencies (ie accredited adoption service providers that are established or controlled by a religious organisation) from the operation of section 49ZP of that Act to the extent that those agencies provide adoption services (that section makes it unlawful for a person who provides services of any kind to discriminate against another person on the ground of homosexuality by refusing to provide the other person with those services or in the terms on which the other person is provided with those services), and

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(b) makes consequential amendments to other legislation so as to enable the provision and recording of information about the adoption of children by couples of the same sex.

Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedules 1 and 2** make the amendments described in the above Overview.