

## Agreement in Principle

**Ms CLOVER MOORE** (Sydney) [4.42 p.m.]: I move:

That this bill be now agreed to in principle.

The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) embodies an amendment to the bill I introduced on 24 June 2010 by exempting faith-based adoption agencies from provisions in the Anti-Discrimination Act 1977 when providing adoption services. This will make it not unlawful for faith-based adoption agencies to refuse adoption services to same-sex couples. The rest of the bill is the same as that previously introduced.

Protecting a loving relationship between a child and his or her parent, regardless of the parent's sexuality, should be paramount. I am disappointed that some faith-based welfare organisations oppose the bill, for I believe it reflects the Christian values of love and inclusion, and has as its basis recognising the rights of children to a loving and secure home environment. While the amendments do not reflect my strong belief that there should be no exemptions in the Anti-Discrimination Act, the bill is so important to the security of families headed by same-sex couples that I am amending my bill in the hope that the majority of members will support it.

Same-sex couples will continue to have access to services from other adoption organisations, such as Barnardos and the Department of Community Services, and the amendment is a clarification of exemptions that faith-based organisations already have. The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) is about removing discrimination against families headed by same-sex couples. It is about giving legal recognition to the vital relationship that children have with their parents, regardless of their parents' sexuality.

The law needs to catch up with the social reality that some children are already parented by same-sex couples, and the law should provide legal protection for those children. In New South Wales it is estimated that around 1,300 children have same-sex parents. Same-sex couples look after the birth or adoptive child of one parent, they care for foster children, and gay men and lesbians can adopt as individuals. Most organisations that match foster parents with vulnerable and neglected children work with same-sex couples, recognising that a larger pool of capable and loving parents is vital for children in need.

Unlike children in families headed by heterosexual couples, children in families headed by same-sex couples can have their relationship with only one parent legally recognised, leaving them vulnerable if one parent dies or becomes seriously ill. The current situation also affects everyday matters such as school permissions. My bill would put the rights and security of these children first.

The Association of Children's Welfare Agencies, the Benevolent Society, UnitingCare, Barnardos, Women's Legal Service NSW, the Inner City Legal Service, the Council of Social Service of New South Wales, the AIDS Council of New South Wales, and the Central Coast Community Women's Health Centre, amongst many other bodies, all support a change to adoption law that bases eligibility for adoption on the quality of parenting and the provision of a stable home, regardless of sexual orientation. Those organisations support this bill.

Members would have received a letter co-signed by Gillian Calvert, the inaugural Commissioner for Children and Young People; Associate Professor Judy Cashmore, Adjunct Professor at Southern Cross University's Centre for Children and Young People; and Emeritus Professor Dorothy Scott, inaugural Director of the Australian Child Protection Centre, expressing the absolute importance of this bill for the welfare of children. Their letter touchingly points out:

Children think about who will care for them if their "parent" dies, they notice when one "parent" is unable to sign permission notes at school or can't consent to medical treatment ... Importantly for children already disadvantaged, being given inheritance rights sends a clear and strong message to the child that they are wanted and they are part of this family just as their friends are in their families.

The letter points out that this bill will give children who can no longer live with their birth family because of neglect or abuse the gift of a permanent, secure, loving substitute family. Research evidence shows that gay men and lesbians are able to provide a loving, caring, nurturing and stable home. The Legislative Council Standing Committee on Law and Justice inquiry into same-sex adoptions concluded that up-to-date social science research suggests that "same-sex parenting is as likely to result in positive developmental outcomes for children as opposite-sex parenting". It concluded that research shows children benefit from "positive relationships, and the provision of a supportive, nurturing and loving environment" regardless of their parents' sexuality.

The New South Wales Law Reform Commission and the Australian Human Rights Commission both support same-sex adoptions. Many in the community also support this reform. I note that there was even an endorsement for the reform in an editorial in the *Daily Telegraph* today. That surely must highlight that this is 2010 legislation. The bill would not give same-sex couples the right to adopt children; rather, it would make them eligible to adopt. There is a thorough process of assessment for all adoptions, including for "known" adoptions, with the Supreme Court determining what is in the best interests of the child based on individual circumstances.

The great majority of adoptions in New South Wales are of "known" children, such as when one parent is already legally recognised and the other parent adopts the child, or when carers adopt their long-term foster children. In the few cases in which infants are given up for adoption—I think there were 15 such cases last year—adoption agencies choose the best match for the infant from a pool of eligible applicants, and birth parents' wishes about who should adopt their child are part of this decision.

Families headed by same-sex couples who have contacted me tell me that this bill will give their children more security. These are families looking after the birth child of one partner, families with children born through surrogacy, and families looking after foster children. In the case of one lesbian couple who fostered two siblings together for six years, each parent adopted one child because they could not adopt as a couple. An opposite-sex couple could have adopted both children together. Another parent in a same-sex relationship who has cared for foster children for more than 10 years told me:

I believe this bill is about the children's rights. I believe that children have the right to legally own their parents; the one that loves and nurtures them, who tucks them in bed at night, changes their nappy, toilet trains them, hugs them good bye on their first day at school.

Children who are put in the foster care of same-sex couples deserve the same right to permanency as children put in the foster care of opposite-sex couples. A number of foster parents contacted me in support of this bill but, in order to protect their children, do not wish to be identified. It inspires me to hear of their efforts to provide loving care despite the lack of legal recognition.

When vulnerable and disadvantaged children need foster care and a safe home it is in their best interests if the pool of loving, nurturing and permanent homes is as large as possible. While many claim to support families and children, Australia has a poor history of determining who can and cannot be parents. We have discriminated because of race, ethnicity, religion, sexuality, age and marital status. It is time to take irrelevant considerations off the statute book. I welcome the decision by the Premier and the Leader of the Opposition to allow a conscience vote on this legislation. The bill is about protecting real children in real families and recognising their relationship with both their parents regardless of sexuality. Parliament should acknowledge that same-sex couples are providing loving, nurturing and stable homes for children and take this opportunity to give those families the same legal protection that other families have under the law. I ask members to think about the impact that discrimination has on children and to use their conscience to support children in all families.