



Minister for Community Services

Ms Rachel Callinan
Director
Standing Committee on Law and Justice
Legislative Council
Parliament House, Macquarie Street
Sydney NSW 2000

Dear Ms Callinan

Government Response to Report 39: Adoption by same-sex couples

Thank you for the opportunity to respond to the report "Adoption by same-sex couples" (Report).

The Committee should be congratulated on the comprehensiveness of its report and the balanced and sensitive way in which it examined this issue.

The Committee Chair, the Hon Christine Roberston, MLC, noted that the inquiry had been an unusually challenging one for the Committee. The issue of adoption by same sex couples is a complex and sensitive one and there are strongly held views on both sides of the debate. The mix of views amongst the wider community, and more particularly in submissions and evidence to the inquiry, was in turn reflected within the membership of the Committee.

The report highlights, however, that despite their divergent views, all those who participated in the inquiry were inspired by an interest in protecting the rights of children and young people and advancing their best interests. The time and effort these groups and individuals offered to the inquiry process and the considered and substantial nature of their contributions was invaluable to the thorough exploration of this issue and is greatly appreciated.

In particular, the NSW Government thanks the families who shared their stories as part of the inquiry. Their views were based on direct experiences of adoption or same-sex parenting and made real the issues under consideration. The mature and honest contributions of the children and young people in these families warrant special mention for the compelling insights they provided.

Also deserving mention are the same-sex foster carers who spoke to the inquiry of their parenting experiences and the needs of the children and young people in their care. All foster carers provide a critical service to the community in providing safe and loving homes to children and young people

unable to live with their families. Lesbian and gay foster carers make a highly valued contribution to the NSW out-of-home care service system.

The Government notes the existence of strong divisions in the community on this issue. This polarisation of views among community groups and individuals has been reflected within the Committee, which failed to achieve a consensus position on the need for law reform in this area.

It is acknowledged that the issue of same-sex adoptions has been considered by a number of expert committees both within NSW and in other Australian jurisdictions. Mostly, these have made recommendations in favour of allowing same-sex couples to adopt. The NSW Government has noted that in NSW currently a single gay person is legally able to adopt although a gay couple cannot.

It is also acknowledged that there are many same sex couples who foster children on behalf of both government and non-government agencies. The Government notes that permanency planning is an essential aspect of effective out of home care and the ability for children to be adopted by their carers is an important aspect of permanency planning. For this reason I believe that the Committee's response to this issue is not without merit.

However, this is a complex and sensitive issue that tests deeply held personal values and beliefs; therefore it is important for the Government to continue to listen to the views of the wider community before deciding upon a final policy position.

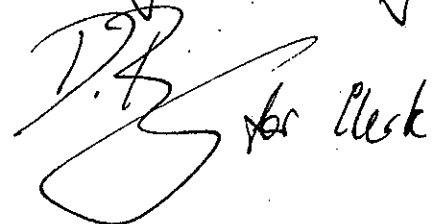
I thank the Committee and the Committee secretariat for their work on this complex inquiry. The report contains very valuable information that will assist the Government as it considers this issue further.

Yours sincerely



Linda Burney
Minister for the State Plan
Minister for Community Services

Received at 11:10 am
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for Clerk