

Submission  
No 204

## INQUIRY INTO ADOPTION BY SAME SEX COUPLES

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Inquiry into adoption by same sex couples  
Standing Committee on Law and Justice  
Legislative Council, NSW Parliament

## Submission from the NSW Council of Churches

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The NSW Council of Churches comprises representatives of seven evangelical Christian denominations and has been active in its present form for more than 80 years.<sup>1</sup> The Council exists to:

- promote unity and united action among evangelical churches in NSW;
- encourage fellowship and discussion between member churches;
- support strategies for evangelical outreach, mission and ministry;
- apply biblical and theological principles to contemporary issues;
- engage local, state and federal governments on public policy issues.

More information about the NSW Council of Churches and its activities is available on the website listed above. This Submission addresses certain aspects of the Terms of Reference of the present Inquiry into adoption by same sex couples established in December 2008.

On 1 May 2007 the NSW Council of Churches unanimously resolved “that governments should permit the adoption of children only by approved heterosexual couples and not by single parents.” This policy reflects the long held beliefs and values of the Christian church. The Council’s policy has not changed. The Council respects the fundamental human rights of all individuals but recognises that these rights do not include adoption rights.

The Council strongly opposes any measures by state or federal legislatures to amend adoption laws to allow same sex couples to adopt children. The reasons for this view are as follows.

1. *Marriage provides the best environment for raising children.* The most appropriate context for the bearing and raising of children is a stable relationship between one man and one

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<sup>1</sup> Anglican Church (Diocese of Sydney), Baptist Union of NSW, Christian Reformed Church, Churches of Christ, Fellowship of Congregational Churches, Presbyterian Church, The Salvation Army.

woman who are married to each other and who are the biological or adoptive parents of the child or children. The collective wisdom of many generations and many cultures, together with the sacred writings of the world's religions, in particular the Christian faith and the Christian Scriptures, provide a strong foundation for this statement. There is also significant empirical evidence to indicate that legally married couples provide the best environment for a child's emotional, psychological, intellectual and social development. The fact that a small number of married and de facto couples provide an unsuitable environment for the bearing and raising of children is not a reasonable justification for the state to legislate to allow same sex couples to adopt children.

2. *Same sex relationships are not marriages.* By their nature same sex relationships are not marriages and therefore NSW adoption laws should not be amended to allow same sex couples to adopt children nor to allow step-parent adoption of a child born to one same-sex partner.
3. *Recognition of same sex adoption may lead to recognition of same sex marriage.* Expression in civil law of adoption rights for same sex couples constitutes a step toward the recognition of same sex marriage. It is unreasonable and politically naïve to argue otherwise. The NSW Council of Churches opposes same sex marriage and opposes legislative and policy measures designed to legalise same sex marriage by stealth.
4. *Best interests of the child paramount.* Adoption is a service for the benefit of the child and not simply an expression of a presumed right of the adult couple. Parliaments should act in the interests of the adopted child. Those interests are best served, in childhood and in later life, by the provision of an adoptive mother and an adoptive father who have made a commitment to each other and to their dependents in the context of a permanent lawful marriage. The best interests of a child are not served by the intentional deprivation of a mother or a father during the formative period of a child's life.
5. *Fitness of potential parents.* There is evidence that many same sex couples experience a degree of emotional and sexual instability not found in the general population and this raises questions as to their suitability as parents. Same sex parenting is not "just another healthy alternative" to traditional parenting. A child's best interest is not served merely by having parents but by feeling secure and possessing wellbeing.
6. *Definition of "child."* The definition of the term "child" in adoption law reform should reflect the meaning of the term according to established community standards and should not be construed to accommodate the special interests of minority groups.
7. *"Deemed" adoption.* Adoption law reform should avoid legal fictions such as "deemed" adoption intended to allow same sex couples to adopt children without the eligibility and other requirements of "genuine" adoption.
8. *Precedent for other forms of adoption.* Law reform to allow same sex couples to adopt children would create a precedent for the proposal of other forms of legal adoption such as adoption by persons in established polygamous and polyamorous relationships, transhuman persons, and corporations.
9. *Precedent in other jurisdictions.* The fact that same sex couples are eligible to apply to adopt children in other Australian states and territories (e.g. Western Australia and the ACT, and in

a more restricted sense in Tasmania), and elsewhere, does not justify the introduction of the practice in NSW.

10. *Overseas adoption.* Parliaments should enact laws relating to overseas adoption by same sex couples or individuals with reference to the principles outlined above. Same sex couples who adopt children overseas and seek to enter Australia as permanent residents should do so in full knowledge of the legal and practical implications of their actions.
11. *Limited number of children available for adoption.* The number of children available for adoption in Australia is very small in comparison to the number of couples wishing to adopt. Parliaments should not enact legislation that will have the effect of increasing the number of couples applying to adopt children in Australia.

Representatives of the NSW Council of Churches would be pleased to be called to give evidence supporting the principles outlined in this submission at hearings by the Committee.

Rod Benson  
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