

Submission
No 178

INQUIRY INTO ADOPTION BY SAME SEX COUPLES

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**To: The Director
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**Rainbow Labor (NSW) Submission to Inquiry into Adoption by Same Sex
Couples**

Rainbow Labor (NSW) is writing to the Inquiry to express its support for law reform in New South Wales allowing same sex couples to adopt.

We believe that same sex couples should be treated exactly the same as married or opposite sex couples in the process of adoption.

We believe that same sex couples are equally capable of love for their children, and equally able to provide a stable and supportive upbringing for their children. It is only fair that New South Wales adoption laws reflect and enable this equality. The objects of the *Adoption Act 2000* note that first and foremost “the best interests of the child concerned, both in childhood and in later life, must be the paramount consideration in adoption law and practice.” Being of the same sex does not impede a couple from having a comfortable home, a stable income, planning well for the future and caring about or indeed loving a child. It is these factors, the ability to provide care and stability, upon which adoption determinations are currently made for all prospective adopters apart from same sex couples.

Some individuals talked to Rainbow Labor (NSW) about the importance of recognizing the loving basis for same sex adoption.

‘archaic legislation is keeping children in unsafe situations because of a lack of candidates and there are many loving and stable same sex couples willing to take on this difficult role, that of parenting a child. This decision is never taken lightly and should be treated as a potential valuable contribution to our society’

- Janet from Petersham

‘My brother is gay, so why should he be treated any differently to myself just based on his partner's gender? Love is the binding glue to all families. Having a child to many of us is an act of love, so the cries that same-sex adoption will destroy families is baseless. I love my brother, and I will love the niece or nephew he will one day bring into our family. Do not deny him the right to a child, or my right for a niece or nephew.’

- Melissa from the Blue Mountains

A further object of the *Adoption Act 2000* is to “ensure that adoption law and practice complies with Australia’s obligations under treaties and other international agreements.” Australia is a signatory to the *International Covenant on Civil and Political Rights*. Articles 2 and 26 of this Covenant call for members of a signatory state to treat their citizens equally under the law and in judicial processes “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status [Article 2].” In the case of adoption, same sex couples are currently ruled out of such a fair judicial process by virtue of their homosexuality.

Adoption by same sex couples is currently legal in some states in the USA, in the United Kingdom, Spain, Sweden, Norway, The Netherlands, Germany and Belgium. Many of these countries are similar to New South Wales in terms of wealth and education. Adoption by same sex couples is also currently legal in the ACT and Western Australia. It is therefore likely that there is scope within existing adoption programs, both local and international, to allow same sex couples to be able to adopt here in New South Wales.

Rainbow Labor NSW urges the committee to support legislative changes to allow adoption by same sex couples.

Regards,

Michael Vaughan
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Rainbow Labor NSW