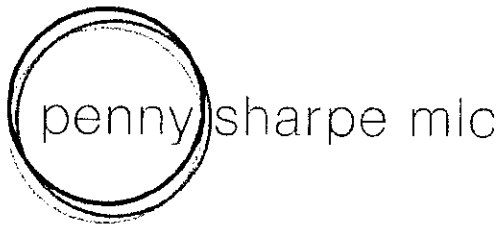


Submission
No 190

INQUIRY INTO ADOPTION BY SAME SEX COUPLES

Name: Hon Penny Sharpe MLC

Date received: 13/02/2009



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The Hon Christine Robertson MLC
The Chair
Standing Committee on Law and Justice
Parliament House
Macquarie St
Sydney NSW 2000

Friday 13 February 2008

Dear Ms Robertson

Please find attached my full submission to the inquiry. In summary, my submission argues that the blanket ban on allowing same-sex couples to adopt:

- overrides the fundamental principle of what is in the best interest of children
- further marginalises children in out of home care
- leaves children without important legal protections such as access to inheritance and maintenance
- promotes a discriminatory approach that marginalises all children with same-sex parents
- is not compatible with children's rights as set out under the UN Convention on the Rights of the Child – to which Australia is a signatory.

I recommend to the committee that the *Adoption Act 2000* be amended to alter the definitions of 'couple' and 'de facto relationship' so that same-sex couples and step parents in same-sex couples are no longer excluded from being eligible from applying to adopt children in NSW.

My submission also provides:

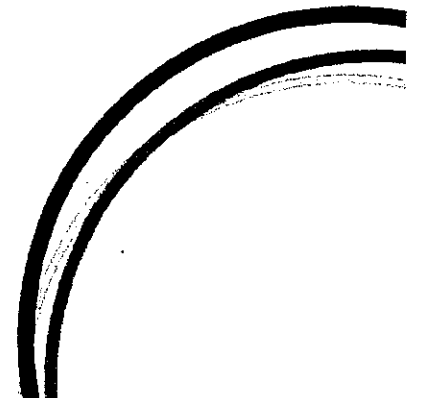
- information on research demonstrating that same-sex parents are as competent as heterosexual parents; and
- an overview of adoption laws and practices in Australia and other jurisdictions.

Same-sex couples are providing safe and loving homes to children all over this state. Recent law reform at both the state and federal level recognises this reality. It is time to remove the final piece of discrimination and provide children with same-sex parents the same legal protections and certainty that is available to all other children in NSW.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penny Sharpe', written over a horizontal line.

Penny Sharpe MLC



Adoption by Same Sex Couples

A submission to the inquiry into adoption by same sex couples

**Submitted by the Hon Penny Sharpe MLC
February 2009**

1 Effect of Existing NSW Adoption Laws

1.1 *Same-sex couples are excluded under NSW adoption laws*

The Dictionary at the end of the *Adoption Act 2000* (NSW) defines 'côuple' and 'de facto relationship' so that same-sex couples and stepparents in same-sex couples are excluded from applying to adopt children by these definitions. The relevant definitions read as follows:

de facto relationship means the relationship between a man and a woman who live together as husband and wife on a bona fide domestic basis although not married to one another.

couple means a man and a woman who:

- (a) are married, or
- (b) have a de facto relationship.

1.2 *The ban on same-sex couples overrides children's interests*

1.2.1 Children with a same-sex stepparent

Stepparent adoptions are not encouraged in Australia for policy reasons, namely, that they legally sever the relationship between the child and a biological parent (and/or the child and the family of that biological parent). However, there are exceptional circumstances in which such orders are deemed to be in the child's best interests. Where there is no actual relationship between the child and the other biological parent nor any likelihood of one, or where such a relationship is not and is never likely to be in the child's interests, the court *may* decide that the child should have the extra security of a full legal relationship with both of the people who actually act as the child's parents.

The Court decides whether the benefit to the child of having a fully legally recognised parental relationship with the stepparent outweighs any actual or possible benefit of maintaining the legal status of the connection between the child and its biological parent. There is no logical reason why the Court should be able to make that decision in the case of a heterosexual stepparent but *not* in the case of a same-sex parent. The effect of existing law is that a child *cannot* be given a fully legally recognised parental relationship with their stepparent because of their stepparent's sexual orientation, even in circumstances where the Court would ordinarily determine that such a relationship is in the child's best interests.

1.2.2 Children of 'single' parents with same-sex partners

As previously discussed, 'single' parent in this context means that the child has only one parent at law. In the case of a single woman using ART, the legal relationship between the child and its biological father never exists because of an irrebuttable legislative presumption. In the case of single people adopting, the adoption severs the legal relationship between the child and both its biological parents.

Therefore, if such a 'single' parent enters into a relationship and their partner wants to adopt the child, the policy considerations would differ to those applying to other stepparent adoptions. Presumably, all other things being equal, the Court would look favourably on a stepparent adoption in such circumstances because the child stands to benefit from the

added security of having two parents at law, without risking any loss or potential loss from severing an existing legal relationship to one of its biological parents.

Under existing law, the Court would be free to make an order for stepparent adoption in such situations provided such an order was in the child's best interests *unless* the stepparent was in a same-sex relationship. The effect of preventing the Court from ever making an order for same-sex stepparent adoption, is to deny the child a second parent even in circumstances where the Court would otherwise determine that a second parent was in the child's best interests.

1.2.3 Children of foster parents

Foster parents may become adoptive parents. However, as with stepparents, adoption authorities must weigh up the benefits to the child to be gained from the adoption with any actual or possible benefits that might be gained from maintaining the legal connection between the child and its biological parents and/or their families. The Court is empowered to make that decision in relation to foster parents who are single people (whether or not they are heterosexual) and in relation to foster parents who are heterosexual couples (whether or not they are married).

Where adoption is concerned, being gay or lesbian is *not* a bar, being in a de facto relationship is *not* a bar, but being in a same-sex de facto relationship *is* a bar. And yet, being a same-sex couple is *not* a bar to fostering. What possible policy justification could there be for this? It makes no sense to allow same-sex couples to foster children, all of whom come from difficult backgrounds and many of whom have a high level of special needs, and then to prevent those children from being adopted by those same-sex foster parents, even in circumstances where the Court would ordinarily determine that adoption is in the child's best interests.

1.2.4 Children relinquished for adoption

As noted above, same-sex couples cannot adopt children in NSW. This applies to same-sex couples wishing to adopt children relinquished for adoption in NSW or overseas. In NSW, as in other Australian jurisdictions, there are now very few local babies available for adoption and there are long waiting lists of prospective adoptive parents, all of whom have already gone through a rigorous application processes to determine their eligibility. Inter-country adoptions are also not available to Australian same-sex couples, regardless of State laws, because the criteria imposed by the source countries do not permit same-sex couples to adopt.

In Western Australia, where same-sex couples have been eligible to apply to adopt relinquished children since 2003, only one same-sex couple has legally adopted a stranger's child. Relinquishing mothers in Western Australia are also able to vet the profiles of prospective adoptive parents. In this case, both the relinquishing mother and grandmother of the child were happy with their choice of a same-sex couple as adoptive parents. As a general rule, there are good policy reasons for involving relinquishing parents in decisions regarding the adoption placements of their children, reasons which are not overridden by any likelihood that relinquishing parents may discriminate against same-sex couples as prospective adoptive parents.

Nevertheless, both source countries' criteria and relinquishing parents' attitudes may change. In addition, there are some circumstances in which the preferences of relinquishing parents are not relevant. Local adoption authorities can be required to take into account the preferences of relinquishing local parents and the criteria of source

countries without the need for a blanket ban on same-sex couple adoptions. Furthermore, while the list of those waiting to adopt healthy local infants is long, there are also babies and children with special needs for whom local authorities struggle to find suitable adoptive parents.

To accept that there are situations, in which the best option for a particular child is adoption by a same-sex couple, is to accept that a blanket ban on same-sex couple adoptions is contrary to the principle that the best interests of the child should prevail. If the law does not distinguish between single people on the basis of their sexuality alone when it comes to adoption, why should it do so in relation to couples?

Every decision about whether couples are eligible to become prospective parents should be made on a case by case basis, as should every decision about which of those eligible should become the adoptive parents of any particular child. No couple that might otherwise be the best parents for a particular child should be ruled out by arbitrary criteria.

2 Practical Implications

2.1 Adoption is only one of a number of legal options

Adoption is one of a range of legal mechanisms for creating a relationship involving parental rights and responsibilities between a child and an adult or adults. Other options include parenting orders from the Family Court or care orders from the Children's Court. Both parenting orders and care orders may be made in favour of a same-sex couple or a same-sex stepparent.

Parenting orders from the Family Court may allocate parental responsibilities to a person or persons other than the child's biological parents including responsibilities relating to the residence of the child, its contact with others and its long term care, welfare and development.

Care orders from the Children's Court may allocate parental responsibilities to a person or persons other than the child's biological parents including responsibilities relating to the residence of the child, its contact with others, its education and training, its religious upbringing and its medical treatment. However, such orders are only available where there is an existing care and protection issue in relation to the child. They are primarily relevant because they offer a mechanism whereby some legal recognition may be given to the relationship between a child and their foster parents.

2.2 Adoption has legal effects that other options do not have

Adoption is a legal process whereby the child ceases to be the child of its parents and becomes the child of its adoptive parents. In the case of stepparent adoption, the child remains the child of one of its parents (the stepparent's partner) but ceases to be the child of its other parent and becomes the child of its stepparent. It is through adoption that the law recognises the adopters as 'parents' of the child, not just as legal guardians and/or custodians of the child. Unlike other legal mechanisms for allocating parental responsibilities, adoption orders are not limited to specific purposes, nor do they expire when a child turns 18 years old.¹

An adoption order has important legal consequences that other mechanisms for allocating parental responsibilities do not have. These include:

- The relinquishing parent(s) lose all rights concerning the child except those specifically preserved under adoption legislation or specifically granted by a Court order;
- The adoptive parent(s) have the same parental responsibilities for the child as its biological parent(s) would have had were it not for the adoption, including the duty to maintain the child;
- The adoptive parent(s) have the same parental rights in relation to the child as its biological parent(s) would have had were it not for the adoption, including the right to appoint a person to be a guardian of the child in the event of the adoptive parent's death;
- The child has a new birth certificate in its adopted name, with the details of the adoptive parent(s) and their children (if any) shown on the certificate rather than those of their biological parent(s)

¹ Marie Swain, 'Adoption and Care and Protection of Children: The Proposed Legislative Changes', Briefing Paper, NSW Parliamentary Library Research Service, 2000.

- The child's right to inherit from its relinquishing parent(s) will cease and a right to inherit from the adoptive parent(s) will be created.

2.3 Adoption has unique social implications

Adoption is generally seen as expressing the highest possible level of parental commitment to the child. It offers the adopted child a sense of fully belonging to their adopted family. Adoption can give a parent/child relationship a sense of permanency and security that other legal mechanisms for allocating parental responsibility may not. Where a child already views a prospective adoptive parent as their parent, adoption can bring the child's legal position into line with that view. In this sense, adoption can provide both legal recognition and social confirmation of the child's identity and family circumstances.

2.4 Children may have less legal protection without adoption

There are many situations in which a child may be left with less protection if same-sex couples are unable to adopt the child merely because of arbitrary criteria. These include:

- Where the child has been or will be relinquished by its parent(s) but there are no suitable persons available to adopt the child other than same-sex couples
- Where circumstances exist that would otherwise warrant a step-parent adoption were it not for the arbitrary exclusion;
- Where circumstances exist that would otherwise warrant adoption by foster parents were it not for the arbitrary exclusion;
- Where non-birth mothers would have been deemed the parent of the child had they been the heterosexual partner of the child's birth mother.

Such a child may suffer specific disadvantages as a result, including:

- The preservation of some or all of the child's biological parents' rights over the child when this is not in the child's best interests;
- No rights to maintenance from its social parents, or rights to maintenance from only one of its social parents instead of two;
- Having social parent(s) who are unable to make provision for the guardianship of the child in the event of their death;
- Not having their social parents' names recorded on their birth certificate, or having only one of their social parents' names recorded;
- Having no rights to inherit from their social parents, or from one of their social parents.

2.5 A child's identity may be compromised without adoption

Children may have difficulty adjusting to the fact that their social parents are not their legal parents, or that one of their social parents is not their legal parent. Sometimes such difficulties are unavoidable because there are sound policy reasons for not allowing, for example, foster parents to adopt or stepparents to adopt, such as a need to preserve connections between the child and their biological parents' and extended family.

However, such difficulties will only be exacerbated if the child realises that the *only* reason for their situation is an arbitrary ban on adoptions by same-sex couples or an arbitrary ban on same-sex stepparent adoptions.

Most parents feel a moral obligation to be as truthful as possible with children, especially in relation to matters that impact directly on children's sense of identity. So as children get older, it is likely that they will become fully aware of the precise nature of their situation and the exact reasons for it. If adoption laws remain unchanged, an increasing number of lesbian and gay parents will be obliged to tell their children: 'You are not my (or our) child

in the eyes of the law. I (or we) would have adopted you except that I am (we are) unable to because the law views my relationship with your mother (or father) as inferior to other relationships between parents because we are both women (or men).’ Such a situation is not in the best interests of the children concerned.

2.6 Discriminatory adoption laws encourage homophobia

As previously noted, the children of same-sex families can encounter homophobic teasing and bullying at school, which may have a negative impact on their education and social interactions. This is an argument *for* combating prejudice and not *against* same-sex families. Adoption laws that discriminate against same-sex couples imply that same-sex families are inferior and this may suggest that such homophobia is acceptable. Non-discriminatory adoption legislation would send a clear signal to the children of same-sex parents, their peers and those responsible for their education and development that same-sex families are equal before the law and that homophobia is not socially sanctioned.

3 Human Rights Implications

3.1 The rights of children

The rights of children are protected under a number of international human rights conventions. Australia is a signatory to each of these conventions.

3.1.1 The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR provides that: 'Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.' (Article 24, paragraph 1)

3.1.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR provides that: 'Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.' (Article 10, paragraph 3).

3.1.3 The Convention on the Rights of the Child (CRC)

With regard to children generally, the CRC provides that:

3.1.3.1 Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

3.1.3.2 Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

3.1.3.3 Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

With regard to adoption, the CRC provides that:

3.1.3.4 Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

3.1.4 NSW adoption laws are not compatible with children's rights under these conventions

Where an adoption by a de facto couple or a stepparent would otherwise be in the best interests of a child, preventing such an adoption *solely* on the grounds that the relationship between the parties to the de facto couple or between the stepparent and the child's natural or adoptive parent is a same-sex relationship is not compatible with the rights of children under the above conventions. In particular, it is contrary to the State's responsibility to:

- Ensure children's rights to such measures of protection on the part of their family, society and the State as are required by their status as minors without discrimination as to their social origin or birth;
- Ensure that special measures of protection and assistance are taken on behalf of all children and young people without any discrimination for reasons of parentage or other conditions;
- Protect children against discrimination of any kind, including discrimination based upon the status or activities of the child's parents, guardians or family members;
- Respect the roles played by parents, guardians, extended family and community members in providing direction and guidance for children;
- Protect children from arbitrary interference with their privacy, family and home;
- Ensure that adoption is only authorised on the basis of all pertinent and reliable information.

3.2 *The rights of prospective adoptive parents*

The right of adults to equal treatment under the law is also protected by international conventions. International conventions also require family units to be given the widest possible protection, particularly while they are responsible for the care and protection of children.

3.2.1 The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR provides that: 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' (Article 26).

3.2.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR provides that: 'The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children...' (Article 10).

3.2.3 NSW adoption laws do not provide equality before the law, nor the widest possible protection for families

Prospective adoptive parents will be discriminated against in NSW if the relationship between the prospective adoptive parents or between the prospective adoptive parent and the child's natural or adoptive parent is a same-sex relationship. Furthermore, where a same-sex couple have the actual responsibility for the care and education of a child, and an adoption order in favour of one or both members of the couple would otherwise be in the child's best interests, prohibiting such an order from being granted constitutes a failure to accord the widest possible assistance and protection to families.

3.2.4 Children's and adults' human rights do not conflict

Giving same-sex couples and stepparents in same-sex families the right to apply to adopt a child does not give them the right to adopt a child. No adult in NSW has the right to adopt a child. If adoption laws in NSW were amended to give same-sex couples and stepparents in same-sex families the right to apply to adopt, under the same provisions as heterosexual couples and stepparents in heterosexual families, the best interests of the child would remain the overriding consideration for the Court. The Court is not empowered to make adoption orders unless it determines that such orders are in the best interests of the children affected and ending the arbitrary exclusion of same-sex couples and same-sex stepparents would not alter this. Therefore, the idea that lifting the blanket ban on same-sex couple adoptions put adults' rights ahead of children's rights is entirely misconceived.

4 Same-sex parents are as competent as heterosexual parents

4.1.1 Social science research on same-sex parenting is supportive

There have been a significant number of studies that are supportive of same-sex parenting. These studies indicate that, while there may be some differences between same-sex and heterosexual parenting, overall outcomes are similar and are neither better nor worse for the children of same-sex families or heterosexual families.

4.1.2 Reputable professional organisations rely on this research.

Reputable professional organisations have viewed the studies as credible and relied upon them in forming their own conclusions regarding same-sex parenting. These organisations include the American Academy of Paediatrics, the American Psychiatric Association and the American Psychological Association. The American Academy of Paediatrics has also presented a compelling case to its members in favour of same-sex 'second' parent adoption (see Appendix 1).

4.1.3 Homophobic attitudes have negative effects on same-sex families

Research does show that same-sex couples and their children are liable to be adversely affected by homophobic attitudes and discrimination based upon sexual orientation. In particular, the children of same-sex families can encounter homophobic teasing and bullying at school, which may have a negative impact on their education and social interactions.

It should be noted, however, that many children are subject to teasing and bullying at school because of their family background and that this is an argument *for* combating prejudice and not *against* same-sex families.

5 Changing Laws

5.1 Recognition of same-sex couples under adoption laws in other States and Territories

5.1.1 Western Australia

In 2002-2003, Western Australia implemented a wide range of reforms aimed at giving same-sex couples equal status with heterosexual de facto couples. Unlike previous law reforms in this area in NSW, Victoria and Queensland, these changes recognised same-sex couples for the purposes of adoption laws.

At the time of writing, although same-sex couples are now eligible to apply to adopt relinquished children, only one same-sex couple has legally adopted a stranger's child.

The changes also allow same-sex stepparent adoptions on the same basis as stepparent adoptions pertaining heterosexual de facto couples. However, as in other Australian jurisdictions, stepparent adoptions are discouraged because they sever the connection between the child and one of their birth parents and special procedures and restrictions apply to them. Furthermore, the reforms in Western Australia also provided for automatic recognition of the parental status of non-birth mothers (in lesbian couples who have children using ART) and allow both mothers to be listed on the child's birth certificate. This change applies to children born before the reforms as well as afterwards and makes it unnecessary for non-birth mothers to apply for an adoption order under stepparent provisions.²

5.1.2 Tasmania

In 2003, changes to the law in Tasmania recognised same-sex couples for a range of purposes. These changes allowed same-sex couples to adopt but only in limited circumstance. Firstly, their relationship must be registered under the *Tasmanian Relationships Act 2003* (Tas) s 3 (1). Secondly, the child must be related to at least one member of the couple. Furthermore, these changes to the law also inserted a new section into the *Tasmanian Adoption Act*, that a person whose child is being adopted 'may express a preference as to the sexual orientation or marital status of the adoptive parents' and that 'where practicable these preferences will be accommodated.'

While the likelihood of same-sex couples adopting children under these provisions is limited, the same changes do allow for same-sex stepparent adoptions (including adoptions by non-birth mothers) where the relationship between the stepparent and the parent is registered. The *Tasmanian Adoption Act* allows for stepparent adoption only where such an adoption would better serve the interests of the child than some alternative order with respect to the custody and guardianship of the child (eg. a parenting order from the Family Court) and there are special circumstances.

Adoption orders in favour of non-birth mothers may well meet these criteria. Applications for such orders are more likely in Tasmania than in Western Australia as the law in

² Jenni Millbank, *Same-sex Families*, Hot Topics 53, Legal Information Access Centre, 2005; John Seymour and Sonia Magri, *ART Surrogacy and Legal Parentage: A Comparative Legislative Review*, Victorian Law Reform Commission, 2004.

Tasmania does not provide for automatic recognition of the parental status of non-birth mothers.³

5.1.3 Australian Capital Territory

In 2003-2004, the ACT implemented legislative reforms aimed at extending the legal recognition of same-sex couples. As in Western Australia, these reforms allowed for same-sex couples to adopt and for same-sex stepparents to adopt. However, as in Western Australia, stepparent adoption is generally not encouraged and non-birth mothers are catered for through separate legislation, which provides them with automatic recognition.⁴

5.2 Recognition of same-sex couples in overseas jurisdictions

5.2.1 Adoption laws in the United States, Canada and the United Kingdom

A recent comparative review of adoption legislation undertaken by the Victorian Law Reform Commission found that up to 22 states in the US permit gay and lesbian individuals and same-sex couples to adopt in at least some counties.

In addition, 8 states allow same-sex stepparent adoption state-wide. Furthermore, the legislative framework governing adoption in New York expressly provides that applicants for adoption must not be rejected solely on the basis of their homosexuality.

In the United Kingdom, same-sex couples have been able to enter civil unions granting rights and responsibilities virtually identical to marriage since 2005. However, same-sex couples and stepparents in same-sex couples were eligible to adopt prior to this under the United Kingdom's *Adoption and Children Act*. This Act defines a couple as two persons, regardless of sex, living as partners in an enduring family relationship. While all couples must meet specific criteria set out in the Act, there are no criteria that apply only to same-sex couples. There are also special criteria applying to stepparents but these also apply equally to stepparents in same-sex and heterosexual couples.⁵

Same-sex couples have been able to marry in Canada since 2004. However, even prior to this, the Canadian Supreme Court ruled that restrictive definitions of 'spouse' in adoption legislation that excluded same-sex couples were unconstitutional because they infringed the *Canadian Charter of Human Rights and Freedoms*, which guarantees every person the equal benefit and protection of the law without discrimination.⁶

5.3 Law reform commission recommendations

The NSW Law Reform Commission, the Victorian Law Reform Commission and the Law Reform Institute of Tasmania have all recommended that the adoption laws of their respective States be altered to enable same-sex couples and stepparents in same-sex couples to adopt on the same basis as heterosexual couples and stepparents in heterosexual couples.

³ Ibid.

⁴ Millbank, *Same-sex Families*.

⁵ Seymour and Magri, *ART Surrogacy and Legal Parentage*.

⁶ Tanya Canny, 'Same Sex Couple Adoption: The Situation in Canada and Australia', Research Note, Department of the Parliamentary Library, Commonwealth of Australia, 2000.

Recommendations

Immediate recognition of same-sex couples within the Act

That the Dictionary at the end of the *Adoption Act 2000* (NSW) be amended to alter the definitions of 'couple' and 'de facto relationship' so that same-sex couples and stepparents in same-sex couples are no longer excluded from applying to adopt children by these definitions.

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