

PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO ADOPTION BY SAME SEX COUPLES

At Sydney on 19 March 2009

The Committee met in camera at 3.30 p.m.

PRESENT

The Hon. C. M. Robertson (Chair)
The Hon. J. G. Ajaka
The Hon. D. J. Clarke
The Hon. G. J. Donnelly
The Hon. A. R. Fazio
Ms S. P. Hale

CHAIR: Welcome to the third hearing of the inquiry of the Standing Committee on Law and Justice into adoption by same-sex couples. Three families will be visiting us today. Because we are taking evidence in camera there will be no publicity relating to these issues. Any messages or documents to be provided to Committee members are to be delivered through the secretariat. Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to Committee witnesses under parliamentary privilege should not be abused during this hearing. Therefore, I request that witnesses avoid the mention of other individuals unless it is essential to address the terms of reference. Mobile phones are to be turned off as they interfere with the audio equipment.

WITNESS F, [...Evidence suppressed by resolution of the Committee], and

WITNESS G, [...Evidence suppressed by resolution of the Committee], sworn and examined:

CHAIR: Witness F, in what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

WITNESS F: As an individual.

CHAIR: Are you conversant with the terms of reference of this inquiry?

WITNESS F: Yes.

CHAIR: Witness G, in what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

WITNESS G: As an individual.

CHAIR: Are you conversant with the terms of reference of this inquiry?

WITNESS G: Yes.

CHAIR: If members ask you questions that you would prefer to answer later you can inform the Committee that you would like to take those questions on notice. If you take any questions on notice we would like to have your answers back by 3 April. Members of the secretariat will contact you to enable you to share that information. Would either or both of you like to make an opening statement?

WITNESS F: We have come to this meeting, first and foremost, to put an emphasis on the needs of the child. Our primary interest is not about the needs of adults or judging adults; it is about what is best for the children. In our experience that is how we entered into adoption in the first place. We did not see adoption as a band-aid measure for us not being able to have children biologically; we saw it as a commitment to be parents to children who needed to have parents and whose birth families chose us to be parents. We found it to be a very humbling experience that we were chosen. We maintain that to be a parent is not a right but a privilege.

CHAIR: Thank you very much indeed.

The Hon. AMANDA FAZIO: Could you tell the Committee about your family and how you think your family experience might relate to the inquiry that we are undertaking?

WITNESS G: There are four of us in our family. We have two boys who were adopted. Our oldest boy is now 12 and our youngest boy is 10. Our oldest boy came to us when he was 11 weeks old and our youngest came to us when he was 15 weeks old. We have lived our family life and I have always viewed it as only missing out on a pregnancy because our boys came to us so young. We have lived our lives as any other mainstream family would live—and by "mainstream" I mean people who are able to conceive and give birth to a child rather than adopt.

WITNESS F: In addition to that, our family is one in which we stress that the children were adopted and not are adopted; it is not continuing as it happened in the past. As a couple and as a family we are very open. We take the lead from our boys if they want to talk about the fact that they have been adopted. We have contact now more so with the birth family of one of the boys than with the family of the other. However, at this stage it is not in the form of the birth mother, but it was in the beginning. The birth mothers have chosen to step back until later when the boys are older.

We have contact, in particular, with our second son's grandparents who live out of Australia and who come to Australia, if not a couple of times a year at least once a year, to see their grandson. They also treat our older son as their grandson. We felt it was important when we went into adoption not to hold anything back. We embraced the whole idea of the openness of adoption, what their birth families wanted for them, and why we were chosen by their birth families. They expressed that they wanted a mother and a father.

WITNESS G: Hopefully we can add value to this forum because we have lived our lives with our boys and we have formed opinions about what family life should be and what best benefits our children. We have lived through all the same problems that any other parent has lived through and we have seen what works and what does not work. We have made lots of mistakes ourselves and we will make lots of mistakes in the future, there is no doubt about that. We have seen what works with our boys and what does not work, acknowledging that all children will be different anyway. By and large, we believe that there is probably a common set of needs but there would be flexibility within that. We come from a position of normalness, but perhaps that is not the right word. Compared to any other family we are experiencing the same sorts of life issues. That is the message I am trying to get across.

WITNESS F: We value the fact that when we wanted to be adoptive parents there was no guarantee that we would be chosen as adoptive parents. We knew that, under the current laws, there was no longer a list, which we thought was great. It was clearly explained to us that we would be in a pool and that we might be chosen. There was no guarantee that we would ever be chosen. We knew that we would be facing the possibility that we would never have children and, therefore, we would put our resources and the yearning to be parents in another direction. We were very blessed and fortunate to become adoptive parents. In saying that, we knew that the road ahead would have its ups and downs, and indeed it has.

There are times when the boys have expressed their sadness and sorrow that they are not with their birth mothers. We feel that we are strong enough and stable enough as a couple to be there for them during those sad times, and to say, "We feel sad for you that you feel that pain." We also told them of the great love that their birth families had for them and what was their plan for them, and we said that we would always be there for them. That stability was important. Our youngest son was in two foster homes within that 15-week period. Compared to his brother he has suffered from anxiety issues and has felt not as secure. We have had to seek help in those areas. We have made it known to him that we will always be there for him and that he is really wanted.

We are not to know what children experience in utero, but we feel that his mother went through an anxious period when it was not disclosed that she was pregnant, and that went back onto him. We compare his experiences with those of his older brother where that was not the case. We discussed it so much before we went into the whole process that we were there for them and that we would not take anything personally if through times of sadness they might lash out at us, because they always lash out at those closest to them. That has been a really important thing that we have not taken anything personally. I do not know whether I am answering the question.

The Hon. AMANDA FAZIO: What are your views on whether same-sex couples should be able to adopt? In referring to same-sex couples, we have had two main issues raised with us. In some cases the child is the natural child of one partner in the same-sex couple, and in other instances there is no relationship between the child and either of the people who make up the same-sex couple. Do you have any views you want to share with us on that?

WITNESS G: We come more to this from our experience on adoption rather than the child being a natural child of one of the parents. Our view is that same-sex couples should not be able to adopt children. It is not a blinkered view, we believe. We believe we explore the needs of the child before the needs of anyone else in the equation. Adopted children come to a family with issues by default anyway. We live in a society where, right or wrong, there are going to be issues attached to an arrangement where the parents are same-sex couples. We feel that is adding to the burden that the child is going to have to bear as it matures through life.

WITNESS F: We feel if the child was placed in a same-sex family we are denying that child a mother or a father. As Witness G has said, they have already come with the acknowledgement that they have been given up for adoption, the choice of adoption was made for them, and then we have denied them one of the role models, which we feel is not correct in bringing up a child. We should be able to give them both role models. It is important to give a balanced view that there are both sides to the creation of life, to a family. I think as women, and I am not saying all women, we tend to bring the children closer sometimes and we probably are less likely to let them be free. We naturally are nurturers. I am not saying that men are not, because Witness G is very much a nurturer, very much giving in both those sides. We have both said we are equal in our relationship, therefore we feel equal in our parenting skills.

But there are times where I know Witness G can say, "Hang on, cut us a little bit of slack. We are going to have a bit of rough-and-tumble here and he is going to be okay. I will know when to stop it." Our younger son is very much a boy who is very active, outgoing and loves his sport and very closely identifies with male role

models, although in the beginning he needed mothering, probably even more so than our older son. In that choice we moved schools for him because he needed to be in a male environment where male role models he admired were there for him to follow. I think had he been in a family where there were two women bringing him up—and I'm not saying that they would not love him because my sister has friends who are in that situation and they are beautiful and loving and their child is so loved—I just feel he would not have had the role modelling that he really, really wants. It would take away from him what he is searching for. I think that is very important.

WITNESS G: It is our view that boys actually learn to be men from their fathers, not from their mothers. It is also our view that boys learn appropriate love and respect for their mother and henceforth for other women from their father, assuming of course that their father is an appropriate role model to model the behaviour. Of course, not all situations are perfect. Given that that is what we have got to work with in that situation, we believe that if the situation was such that the father was not there, then you do not have the opportunity to learn skills from that person. We can only speak because we have boys, but our boys are going to grow up to be men. They are not going to grow up to be women. So they have to learn how to be a man in a masculine sense from their father. It is more than just that, because it has to be daily role modelling. It is not like they can learn it from their mother's brother or their mother's close male friend. They have to learn it from their father who is a part of their everyday life.

WITNESS F: I think as a mum I have affirmed my sons as males as well. I give them, hopefully, their self-esteem as a male; I value them as a male. I make them feel as though they have that ability to converse with other women as well as men. There are those beautiful times where, say, if the boys were in an all-male environment, they have those intimate questions to ask me about me as a woman. I know they could do that probably if it was an all-male environment with an aunt or a friend of the family, but it is those moments that just arise when you least expect it. It might be, "Mum, why do you feel that way?", "Why do you want to dress that way?", "What is it like having a monthly cycle?" I know those questions can be asked and answered in schoolrooms and things like that.

But it is the intimate moments when a child is relaxed, having a bath or coming home in the car when they let things out and you have to capture those moments when they come along. You cannot program them; you have got to be present to them at all times and not be judgmental and not look embarrassed. I think we can laugh a lot at some of the things that they say to us and some of the things they challenge us with. I have had one of the boys say to me when he is angry, "You're not my real mum, you're my fake mum". I have to be able to say, "That's not the case. I am your real mum. Your birth mum is your mum, she loves you, she gave birth to you. But I'm your real mum and this is who you have got." Afterwards, after the anger, he will come back and say, "I'm really sorry, mum. I really do love you. I don't really need to say that."

WITNESS G: Just an interesting point on that, our boys have never said to me, "You're my fake dad", even though I am in exactly the same situation. To me that indicates that they actually see a difference between the mother role and the father role. Whether it is a good thing or a bad thing, they do not feel that they can say that to me. We have lots of other conversations; we talk about all sorts of things.

WITNESS F: I think too it is because the birth mums are the ones who are referred to often. It is often, unfortunately, the birth mum who makes that decision and the birth father is not included, for whatever reason. Both the boys have their birth mothers' photos near their beds, which we think is great. We talk about them, we wonder about them. They have written stories for the boys about their life story and how they came about, what it was like carrying them through the nine months. I think that is why I am probably at the coalface a bit more, even though Witness G is a very present dad. He is home early. He is a dad who washes up; he is a dad who cooks; he is a dad who does football. But he does everything as well. We share a lot together. So when I am at the coalface coming home from school, sometimes I think I get hit with it a little bit more. I think our birth mothers probably get blamed a lot. They do not talk about the fathers as much, yet we say they are in the equation. Sometimes the birth mothers do not offer information about the birth fathers. I think there is, "I am going to lay it on mum." I think we need to continually reaffirm that they are loved.

The Hon. DAVID CLARKE: Following on this pathway you have been going down of different role models, Witness G, can you tell us in some detail the activities you undertake with your sons that Witness F does not engage in? What things do you do to relate to the boys.

WITNESS G: The obvious one is a lot of sport. I appreciate that any one of us could take our boys to sport. I think it is more than just about taking our boys to sport and participating at that level. For example, when I take my boy to sport it is predominantly a father-son environment. It is probably just that way by default,

but that is the way it has panned out. I think the message that sends my son who is with me and we are engaging in all these father-son relationships, if you like, is that he is part of the crowd, he is fitting in, he is not different. It is very easy, we have found, particularly with one of our boys, for kids to find reasons to think that they are different to everybody else. I think it is because they have this deep-rooted instinct that they just do not want to be different to anybody. They just want to fit in. So sport is the obvious one.

The Hon. DAVID CLARKE: Do they go to a boys' school or a coeducation school?

WITNESS F: Both boys started in coeducation from kindergarten.

The Hon. JOHN AJAKA: As primary students?

WITNESS F: As primary students. The eldest boy has now just entered into high school. So he has gone through coeducation to year 6. He is now at a school that has boys from years 7 to 10 and there will be girls in years 11 and 12. Our other son, [...Evidence suppressed by resolution of the Committee], the younger one, started in a coeducational situation in kindergarten, went through to year 2 and was not happy. Part of the reason was that the school was very small and there was not enough area to run around to be a boy. There were some very big personalities in the grade and he was feeling very insecure. There were lots of children in a small environment and he needed a smaller school environment but with lots of green grass and running facilities. So he has gone to a boys' school. Nothing is set in cement, but at this stage he will be at that school right through to year 12 because that is what seems to suit him. But you never say that is how it is always going to be. We could change our minds.

WITNESS G: We did not send him to that school because it was a boys' school. We sent him to that school because of other features.

The Hon. DAVID CLARKE: At either of the schools do they have father-son camps?

WITNESS G: Yes.

The Hon. DAVID CLARKE: Have you been on any of these father-son camps?

WITNESS G: Yes, I have been on three so far.

The Hon. DAVID CLARKE: Is that with the older boy?

WITNESS G: The younger boy, the one who is at the boys' school.

The Hon. DAVID CLARKE: Where do these camps take place—out of Sydney?

WITNESS G: They are. In fact, the most recent one was at Somersby and we were evacuated because the fires got a bit too close. We sort of got halfway through that one and they are going to rerun that one later in the year.

The Hon. DAVID CLARKE: Do most boys in the class go on these camps?

WITNESS G: Most do. Not everyone is able to attend, but most do.

The Hon. DAVID CLARKE: Is it for a weekend?

WITNESS G: It is usually for a weekend. You arrive on the Friday night usually and it finishes halfway through Sunday.

The Hon. DAVID CLARKE: Do any mothers go with their boys to the father-son camps?

WITNESS G: No, they do not.

The Hon. DAVID CLARKE: What sports do your sons engage in?

WITNESS G: Do you mean at these camps or normally?

The Hon. DAVID CLARKE: Normally.

WITNESS G: Both our boys are into footy. Our eldest boy has been a league boy for most of his sporting life. Now that he has just started high school at [...Evidence suppressed by resolution of the Committee] he will be playing rugby because that is the chosen sport at that school. He has played basketball. He has only just given basketball up now to focus a little bit more on his study.

WITNESS F: He is doing tennis, swimming.

WITNESS G: He is having tennis lessons on Friday afternoon. He is not the sporty one of the two. The sporty one of the two plays rugby. He just won the most valuable player in last year's competition at his school.

WITNESS F: He is also a runner.

The Hon. DAVID CLARKE: Does he like watching football on television?

WITNESS G: Funnily enough, our younger one gets a little bit bored with it, I do not know why. He is a Storm fan and every time Storm is playing I say, "Come on, sit down, I will watch the footy with you." He gets a bit bored after 15 minutes, probably because Storm is going to win anyway.

The Hon. DAVID CLARKE: What about the other older boy?

WITNESS G: He loves watching the footy. He will sit down and watch every game if it is on television. We do not have Foxtel or anything like that but anything that is on the free-to-air television he will sit and watch.

The Hon. DAVID CLARKE: Do you join him in watching?

WITNESS G: I do, every opportunity.

The Hon. DAVID CLARKE: Is Witness F a football person or not?

WITNESS G: I would not describe Witness F as a football person but she has grown up following a team.

WITNESS F: I must admit, it was nice last week. I [...Evidence suppressed by resolution of the Committee] part time and I had to go to a function on Friday night for a colleague who was retiring. The boys were saying, "Great, we are going to have a boy's night tonight. We are going to get pizza and watch the football and we won't have mum saying what time we have to go to bed." Dad does too, but I suppose I am still in an organisational mode, saying right, we all have to get to bed. The boys really look forward to that time, just having boy's time.

The Hon. DAVID CLARKE: Witness F, tell me a couple of things you do with your sons that Witness G does not do or you think you do better? Say you had to choose two activities where you relate with your boys where you think you do more of it or you might do better or you think you do in a different way to the way Witness G might do it?

WITNESS F: Even though Witness G cooks, and he can cook, there is something special when we might be preparing food together or in a meal. There is something special too in just grabbing them in that moment when there are intimate things they want to talk about, like straight after school, and it might be an intimate thing about a friend or how they are feeling about themselves.

The Hon. DAVID CLARKE: Say when they were five or six and they got hurt, they cut themselves and they were crying, who would they come to?

WITNESS F: They would come to me, and want all that mothering and loving and cuddling and do the band-aid.

The Hon. DAVID CLARKE: What about the older boy now, the 12-year-old? If something happens to him where does he gravitate to?

WITNESS G: I would say whoever is handiest for the 12-year-old, but [...Evidence suppressed by resolution of the Committee] would probably still come to you first. It is everything you say about the band-aid and that. When they were a bit younger they would come to Witness F first and then Witness F would always grab them by the hand and say "All right, let's go to dad and we will get a band-aid out of the first-aid kit." I am the trained first aider. I do not use it very much, but she brings them to dad and we fix it. Still, the next time they got hurt they did not come to dad because dad can fix it, they would still go to Witness F because that is the first port of call for them. I think they needed that nurturing before they needed the band-aid on the grazed knee.

WITNESS F: There are definitely times now as they are getting older they will go and talk to dad about issues to do with sport or fixing something around house. Even though I use the computer, dad is the better one at doing the computer. If they had to make a model for school or something structural like that, dad would be the person who did that. They would go and hang out in the garage together or things like that.

The Hon. DAVID CLARKE: When your sons started in kindergarten, who was the one who took them to kindergarten those first days?

WITNESS F: The first day dad came, but I was the one who would go along.

The Hon. DAVID CLARKE: How do your boys get to school now? Your older boy, how does he get to school?

WITNESS F: Bus.

The Hon. DAVID CLARKE: So when you have things on at the school with the 12-year-old, who does he prefer to go along with him?

WITNESS G: If it was sport he would prefer to go with me. If it were some other function we tend to go as a family.

WITNESS F: If it was a function where they were talking about the facts of life, even though he is very open and comfortable with me, he would like to go along, like his mates, and be with his dad for something special like that.

The Hon. JOHN AJAKA: I appreciate what has been said so I will not repeat the same questions, but the reality today is you have many children who are raised by a father only, you have many children raised by a mother only for whatever circumstances, and we have many children raised by grandparents or by one grandparent or by an aunt or a sibling. In today's society, if one was to say the best possible situation was a mum and dad raising children, that is not always what occurs today, is it?

WITNESS G: Absolutely

The Hon. JOHN AJAKA: Even in our school, with our children, when we go to these functions my wife and I might show up but the reality is sometimes a single mother might show up or a single father shows up and sometimes it is grandad or grandma, and so on. I do not notice there is any adverse effect on either the child or the parental person showing up. I would like to know in your experience whether you see a difference?

WITNESS F: I would like to say, firstly from the adoption point of view, the child is already dealing with the fact that the mother has chosen to have the child adopted. There is that agonising over why that happened to me, why me?

The Hon. JOHN AJAKA: The abandonment issue?

WITNESS F: Abandonment, definitely. Why could she not keep me? If she said she loved me why did she do that? On top of that, which is already there, and you cannot deny that can be fixed, it is with the child always, and it is up to us to meet those challenges and questions when the child comes forward. To then say, "I am going to place you with two males or two females, who will love you but you will additionally be different

from many of the other children"—I know that in society, [...Evidence suppressed by resolution of the Committee].

The Hon. JOHN AJAKA: If a child to be adopted was old enough to express a view, as happens in many cases, for example, a child has lived many years with a single person or a same-sex couple, and the child is happy or even expresses a desire to be adopted by that same-sex couple, would you see that is a very different situation from, say, a one-year-old baby?

WITNESS G: Absolutely. I do not know that I would necessarily agree that it would be okay to permit the child to have such a big say. I have not had the opportunity to put a lot of thought into that take on it. It is a totally different situation to adoption from birth.

WITNESS F: I am taking it that you are saying this child has a say—

The Hon. JOHN AJAKA: Let us say the child has been in foster care for eight years with a particular household?

WITNESS F: They have come from insecurity and abandonment anyway, so anything to belong and to be in one place is better.

WITNESS G: You will also need to consider whether the foster care was a mother and father in that foster family or whether there was some other arrangement in that family. That would factor in to the final closure as well.

WITNESS G: We cannot use these beautiful children—children are precious. Being a parent is not a right; it is a privilege. We cannot place them in situations where we do not have lots of facts and knowledge about it and use them as guinea pigs. It is not fair. They cannot be used as the guinea pigs of society. We cannot say we have to think about what the parents or people want; we have to think about what is best for them.

The Hon. GREG DONNELLY: Thanks for coming along today to give your evidence. I have some questions which in large measure run off questions that have been asked already. I will try not to repeat, but they are invariably related. This is our third day of hearing. This claim has been made by a number of witnesses who have come along to our inquiry, that society today as we know it here in Australia, in New South Wales and in Sydney, has moved beyond the notion of the mothering and fathering of children as we perhaps once appreciated it, and what we have today is a new situation where the issue is parenting. So, we have moved beyond the notion of mothering and fathering to parenting.

It goes further then to say with respect to parenting the fundamental requirement of a parenting model is to provide love, care and security, and if that is provided to the children that that essentially is what the children need and that will suffice. So, to the extent that a homosexual couple—two males or two females—can provide love, care and security, and to the extent that a heterosexual couple, married or de facto, can provide love, care and security, there is no difference because both couples are providing that, and that is the key requirement for the raising and nurturing of children. Your evidence, if I understand it clearly, is not saying that homosexual couples—two males or two females—cannot love, care and give security to a child that might be in their custody or is their responsibility; it is rather something different, is it not? There is something fundamentally different between what a woman and a man bring to parenting. Is that as I understand your evidence?

WITNESS F: Yes.

WITNESS G: That is correct.

The Hon. GREG DONNELLY: In terms of that, you gave some examples in your evidence of how there are some differences between yourselves in your female-male contribution. Have you observed those differences amongst other families where there is a mother and a father in terms of the way in which they rear and raise and nurture their child? In other words, the things you have identified that are innate to your family, as a mother, father and children, have you observed that in other families in your general community?

WITNESS G: To the best of our ability we observe that. It is hard to analyse other families when you are not living in their house 24 hours a day. Families are different behind closed doors than they are when

playing in the park or running around the sporting field, or anything like that. I suppose the best way to answer is that I have not observed anything I thought was not the same as we observe. No family is perfect. Regardless of the situation, regardless of the composition of the family, regardless of the number of children, no family is perfect and there will always be little idiosyncrasies that do not work well in one family that do work well in another family, and that does not necessarily have anything to do with parenting. The point we made before, our children when we adopt them come to us with issues anyway. They come to us with separation anxiety and in some children it is worse than in others.

WITNESS F: Going on that role model, and you are asking have we observed that in other families, we do see that, but it is true what Witness G said, you cannot see absolutely everything. We see that other families offer those different role models too to their children. Can I say too that very close friends of ours whose son is gay, and is really wonderful person, has remarked on growing up in a heterosexual family being very alone. He has made the decision in embracing an openly gay life that he will have children in his life, but they will not be his. He would understand too, we would be given to believe, that just as he experienced loneliness being a homosexual within a heterosexual family, the same feeling of loneliness would occur if there was a homosexual couple who had a heterosexual child; that feeling of, "But I don't identify with these two people." I think that was quite poignant, that feeling of loneliness and that it can be reversed in that situation—"I'm not like them, but I'm looking to be identified like my friends are."

The Hon. GREG DONNELLY: Witness G, regarding the innate things you identified and sought to articulate, bearing in mind that these things cannot be measured in square centimetres—they are almost intrinsic—did you observe fathers of children that your sons know do the types of things that you do with your sons?

WITNESS G: Absolutely. I mean, the father-son camps. We are all doing the same sorts of activities. When we go to sporting events we are all talking about the same sorts of issues, we are all teaching our boys the same values that they learn by playing team sport in the first place. We are participating in the organisation and in the running of those events anyway. Someone has to run the sideline, someone has to be the scorer. Our boys take an interest in what we are doing to support their sporting interests. You know, you rarely, at least in the circles I am in at the moment, see a father sitting off on the sideline not wanting to be a part of that whole situation. I do not know if that answers your question.

The Hon. GREG DONNELLY: I think it does. Witness F, regarding the mothers of children with whom your sons are friends, I guess from time to time you talk to them, have cups of coffee and chat and all the rest of it; do you identify that those mothers are doing things with their sons in the same way you do things and experience things with your son?

WITNESS F: Yes. I think that is something we share a lot, particularly over the years. We talk about the same things we do with our sons. We might even decide to do things together as mothers to give our time of bonding with our sons in a different way. Yes, I see it as being very much something we talk about that we do the same, and that has been over the years since they have been little. I have kept in contact and these mums have become friends.

The Hon. GREG DONNELLY: I will ask my final question deliberately but carefully, and it might be that you want to take it on notice. You have two boys that you have adopted?

WITNESS F: Yes.

The Hon. GREG DONNELLY: Obviously, it could have turned out where you may have had a boy and a girl or perhaps two girls. Do you believe that the way in which as mother and father you would relate to daughters or a daughter would be different from the way in which you relate to your sons? I appreciate in some sense that that is a hypothetical question because you do not have a daughter or daughters, but as best you can answer that from your life experiences and the way in which you have seen daughters raised in families, do you believe that you would deal with your daughters or daughter differently from your sons?

WITNESS F: I think each of us would bring a male and female perspective to the raising of that child. I suppose we could even go back and think more about this and give you more information later, but in a nutshell I really think in all the writing, and we did a lot of reading, coursework and discussion and sharings about bringing up boys, we have also discussed with friends the importance of bringing up a daughter in the presence of a father. It is a natural relationship I would have with a daughter in sharing her growing up and her

physical changes in the way of being a woman and being a mother and so forth. But we have talked about with friends how the presence of a father is one which gives a daughter the sense of who she is as a woman and gives her that confidence and that self-esteem to be a woman and relate to men. We see a man being present for a daughter as being extremely important. I think that affirmation from the father that "I respect you as a woman and I value you as a woman" is very, very important. That just does not happen here, there and everywhere from an uncle or a male that they might see every so often. It helps her relate in society to other men and to make choices, should it be in a relationship down the track, and make the right choice that she is safe and well loved and feels good about herself. So, I think a father is very important.

The Hon. GREG DONNELLY: Mothers you know who have daughters have conveyed that to you?

WITNESS F: Yes, definitely. And encouraging fathers to be involved in their daughter's lives and not just a, "Go and talk to your mother about it," which I think it used to be. That is how I was raised a little bit. Dad would try to talk, but in those days it was mum who did the talking and I really think my father being present is very, very important.

WITNESS G: Just related to that, I had a father say to me just recently—it was probably at the last football game we were at—I was talking about the very fact we were going to be giving evidence here today. He said to me, "Well, I've got one son and four daughters. My daughters won't listen to their mother about the appropriateness of what they're wearing when they go to go out. What they do, if they walk past me and I say, 'Your jeans are a bit too low there. I can see a bit too much of your belly button' they'll go and change their clothes." From that significant male in their lives they take that on board and they think, "Oh, well, hang on, he's someone who loves me unconditionally, he's a male and is looking at me and giving me advice on the fact that I'm not really dressed appropriately. I have to get my act together." I mean, I am surmising the assumptions there, but there is that value to come out of that father-daughter relationship as well.

WITNESS F: And being able to converse with our daughters, I think would really encourage in society today that fathers are involved in conversation and activities with their daughters, as is the push of some of us mums at my younger son's school where they are all boys; we have said, "Can't we go and have a mother and son outing too."

CHAIR: Thank you for coming today and sharing your experiences and beliefs. It has been very useful to us.

WITNESS G: Thank you. You are very welcome.

CHAIR: I understand that you have agreed for a de-identified transcript to be made available. The secretariat will forward a copy of the transcript for you to double-check that you are comfortable to make public the things you have said today. Thank you very much for coming today.

WITNESS G: You are welcome. Thank you.

(The witnesses withdrew)

WITNESS H, [...Evidence suppressed by resolution of the Committee],

WITNESS I, [...Evidence suppressed by resolution of the Committee],

WITNESS J, [...Evidence suppressed by resolution of the Committee], and

WITNESS K, [...Evidence suppressed by resolution of the Committee], sworn and examined:

CHAIR: Thank you for coming today. This is our third hearing in the inquiry into adoption by same-sex couples. As you know, the Committee has agreed to hold an in-camera session. I understand that you are willing to have the transcript of your evidence de-identified and published, is that right?

WITNESS H: The transcript, yes.

CHAIR: Following today's hearing the secretariat will forward a copy of the transcript to you to double-check to ensure you are comfortable with it.

WITNESS H: No problem.

CHAIR: I have a series of formal questions for each of you. Witness H, in what capacity are you appearing before the Committee, that is, are you appearing as an individual or as a representative of an organisation?

WITNESS H: An individual and adoptive parent.

CHAIR: Are you conversant with the terms of reference for this inquiry?

WITNESS H: Yes.

CHAIR: Witness I, in what capacity are you appearing before the Committee?

WITNESS I: As an individual.

CHAIR: Are you conversant with the terms of reference for this inquiry?

WITNESS I: Yes.

CHAIR: Witness J, in what capacity are you appearing before the Committee, that is, are you appearing as an individual or with an organisation?

WITNESS J: Individual.

CHAIR: Are you conversant with the terms of reference for this inquiry?

WITNESS J: Yes.

CHAIR: Witness K, you are appearing here as an individual?

WITNESS K: An individual, yes.

CHAIR: You understand the terms of reference for the inquiry?

WITNESS K: I do.

CHAIR: Sometimes the Committee asks questions that are a bit difficult for you to answer upfront. It is perfectly acceptable to take the questions on notice. The Committee secretariat would then contact you afterwards regarding those answers and we would like them provided by 3 April so that we have time to consider them before the reporting date. Would any of you or all of you like to start with a statement?

WITNESS H: Yes. We have prepared some opening remarks to really give some background and history of who we are. I will probably lead off on that and the others might join in at different times. Thank you, it is great to have an opportunity to meet before you and to share our experiences. A little over 20 years ago, it was a different room to this, Witness I and I appeared before an inquiry in the upper House on social issues about accessing adoption information. It is almost 20 years to the day in fact that we were in the House. While we appeared that day as ourselves, we actually appeared on behalf of our children. Witness J was a wee pup and, if I recall correctly, very sick the night before, but we wanted to be there for them.

We wanted to be there because some rather outlandish things were being proposed during that inquiry and being considered in that inquiry, and I suppose what we wanted to do was put our point of view on their behalf. We also wanted to make sure that at least, if those outlandish proposals did get up, we could look them in the eye when they reached adulthood and say, "We tried really, really hard, we went in to bat for you because we wanted to make sure that the law always supported what is in the best interests of the child". Today it is a great privilege to have them here with us, not back at home or in a sick bed, as Witness J was in those days, and Witness K had not come to join us. You can hear from them firsthand about their perspective on adoption. We have enjoyed enormous benefits from the adoption system—the four of us—and it is great to be able to talk to you a little bit about that.

We thought we would start with some introductory remarks about our family and in response to the inquiry, and we would be very happy to discuss questions. About 25 years ago or so, Witness I and I found out we could not have children by natural means, and it really hurt. We were gutted. We were quite down about the whole thing. We had ambitions to be parents of certainly two children and possibly more. We started considering all sorts of options, overseas trips, forget about the whole thing and so on, and adoption came up as another alternative.

We attended an open day, which was run by CatholicCare, a Catholic adoption agency at that point, and hundreds of hopeful couples crammed into a room and heard about how adoption worked. Pretty much all of us left that day, about two hours later, completely devastated because it had been outlined to us exactly what adoption was. We had been told that, sad and all as it was, the circumstances we found ourselves in, adoption is in fact not about us; it is not about our grief; it is not about our desire to be parents. Adoption is about what is best for the child. This was not a case of getting in line and waiting and a placement would occur. A placement would only occur if, after detailed assessment, the agency decided that we were the best option for the child before them. It did not really matter how many were on the list—that did not matter at all. What mattered was whether there was an ideal match with what was best for the child.

If you wanted to proceed with an application, they said, "You're very, very welcome, but we will only accept it after you have been through a detailed preparatory program", a detailed series of discussions and counselling to explore whether you really understood and were really committed to what adoption was about. Those sessions turned out to be life-changing for Witness I and I, and I think in many ways they probably turned out to be life-changing for Witness J and Witness K as well. They gave us plenty to think about. It actually helped us decide that adoption was not the second best option for us at all; in fact it was just a different option, the option that was before us to have a family.

Adoptive parents, we found, learned and came to believe with a great passion, have a special responsibility. They make a promise to the birth parents—often they don't meet them; sometimes they do—and they make a promise to those who place children in their care to do the very, very best that they can as parents. We also learned that no-one has a right to a child, no matter how great their longing and how great their hurt and, sad and all as they felt for us, that was not what it was about. It took a little while to get hold of that and to get across that learning. We also learned first and foremost and right throughout the whole program of counselling and discussion over many months that everything about adoption had to be judged on what was best for the child.

Many of those who started the program dropped out. Their dream of parenthood was over and they chose other means or went other ways. They left with their suffering and their disappointment and it was sad to see some of those who we still became good friends with in the process. They abandoned the process because they did not think that they could come to terms with that. Witness I and I finished the program, but we did not automatically apply. We waited. We waited for six, eight, nine months. We thought, we reflected, we sought advice, we prayed. We wanted to make sure that if we did go down this path we were 110 percent committed to it and that this was the best option that was available, and a very good option at that. We made an application in 1987 and Witness J joined us in 1988. The three of us welcomed Witness K in 1990. We have worked hard on

their parenting and tried to honour the promises that we made to the birth parents and to the wonderful social workers in CatholicCare who showed faith in us.

So that is how we came to be and, not surprisingly, we have felt pretty strongly about the adoption legislation and any changes that are proposed. We always thought and always argued that, no matter how sad it is and how much longing there is—and we have felt it and our friends have felt it—adoption must be driven by what is best for the child. In terms of reaction and response to the terms of reference and the difficult matters that this Committee has to consider, we think the law should not be altered to allow same-sex couples to adopt. We are not questioning in any way the goodwill or the desire of same-sex couples seeking adoption—not at all. We understand perhaps more than most the pain and suffering that people who really desire parenthood might go through, but what we are saying is that the law must promote the best interests of the adopted child.

That best interest is by providing a mother and a father and a stable relationship—in fact a stable married relationship. We are not experts in the sociology on this; we are not experts on all the research. We are graduates of the school of adoption. What you have before you are people who have reached the end of the formal contract, which finished after 18 years, after changes were made in 1989 and 2000 to the adoption law. We are graduates of the system and I think we are well qualified to express a view and it is just wonderful of you to give us that opportunity. We bring life experiences and we also bring the experiences of the many adopted friends, we call them, who have shared this great journey with us and who we are still in contact with.

A mother and a father bring great gifts to child-raising. In our case, Witness I has an extraordinary capacity to engage deeply with our children, and it started from the earliest moments. She has been a good friend and playmate from the earliest days, the earliest years. She can far more quickly than I read the emotions—and I do not know how she does it, but I have said to the children on many occasions, "Mums just know these things". She provides encouragement and identifies that someone is facing a problem and helps perhaps draw it to my attention if I am not 100 percent present, as often I am not. The room and atmosphere in our home is really managed by Witness I. We went to a program on parenting many years ago and someone said that often, irrespective of how you cut up the roles and duties at home, men tend to see the home slightly differently from women. Women often see it as a reflection of their personality, and colour, warmth and so on comes through in that. Men often see it as a campsite, somewhere to go at night between the hunting and the work that they might do throughout the day and anything else they choose to do, in between their hobbies and everything else. Certainly the shape, colour and movement, and the atmosphere of our home, are driven by Witness I.

WITNESS I: I do not and could not do it on my own. Witness H has a big role to play. He has worked very hard being a parent and a provider and a protector for all of us. He has always been very interested in Witness J and Witness K and is involved in their development and is keen to find out all about their day, what has happened in their lives. He is calm and well organised, he is an optimistic person, and I think those traits have had a positive influence on Witness J and Witness K. Witness K has learned much from his dad about the way men should behave and how to treat women, and Witness J has also, as a lady, learned what to expect from a male just by watching her father.

WITNESS H: At various times we have chatted with Witness J and Witness K to give our particular perspectives about issues and challenges that they face, and those challenges are not over for them because they have reached the legal age and because they can vote and have a say in who comes into Houses such as this. I think when we sit down and discuss those issues with Witness J and Witness K we do bring a different perspective; we do see it differently. Often we have some good discussions, and sometimes the occasional animated argument, but one way or another I think they understand the way in which we come and the different perspectives we bring. These discussions we see as really important in shaping young people and honouring the commitment that we made over 20 years ago when we signed up to be adoptive parents. I think Witness J and Witness K have not always agreed with everything we have done and the positions we have taken—mobile phones are still a source of tension at the dinner table—but I think they would say that they honestly believe that Witness I and I always try to act in their best interests. We think it is important that the law not deprive a child of a male and a female parent in a relationship and we do not believe it should be changed.

CHAIR: Thank you very much. We will be working until 5.10 p.m. in this session because we started 10 minutes late, which gives us about six minutes each.

The Hon. GREG DONNELLY: A number of witnesses in this inquiry—and we have had two days of inquiry thus far; this is the third day—have articulated the position that with respect to the raising of children in

2009 it is not a question of the mothering and fathering of children or the raising of children by mothering and fathering them; rather it is the parenting of children. To that extent what is basically necessary is love, care and security and, to the extent that adults can provide love, care and security, whether they are heterosexual, homosexual or indeed single, that is sufficient for the nurturing and raising of children. In other words, there is nothing fundamentally that is different between what a woman brings and what a man brings to the raising of their children. Witness K, in terms of the relationship that you have with your mother and your father, in terms of what they have brought to influence you and raise you, have you found that there is some difference between what your mother and father bring to the raising and nurturing of you?

WITNESS K: Definitely. The things I would go to speak to dad about are significantly different to the things I go to speak to mum about. If I am sick or something like that, nothing major, I would go to mum because she is able to care for me and help me in that respect, and sympathise, even if they are just amateur symptoms, but if I have more serious things, like bigger life issues that I am having struggles with, then I go to dad definitely because then I can have that male-to-male sort of communication, which I find more effective on big issues; so definitely, yes.

The Hon. GREG DONNELLY: Are there so-called bigger issues—your words, not mine—that you have had cause to have discussions with your mother about?

WITNESS K: Sure. I wouldn't hide anything from either mum or dad, I definitely tell both of them everything, but there are times when I would prefer to speak to dad and times when I would prefer to speak to mum—but that is not to say because I am hiding it from either one of them.

The Hon. GREG DONNELLY: Thank you. Witness J?

WITNESS J: Adding to what Witness K said, I think certainly through things like adolescence I would definitely feel more comfortable talking to mum simply because she has been there, she has done that, and I can talk to her. It is empathetic, like the conversation that we would have or the disagreement we would have—mum has been there before; she has been a girl my age. Then again there are things from dad that I do not think I could learn from mum. I see the way that dad treats mum and that is an example to me of how I would like to be treated when I find someone that I want to be with. The examples they set for both of us are different, and I think that is important for a child. I mean it has been important for me because I see the way they interact with each other and also I talk to them both about different things.

The Hon. GREG DONNELLY: A number of witnesses in this inquiry have said that, at the end of the day, we can deal with the issue of male and female by having role models in the lives of the children. In other words, in relation to a homosexual couple—two women—there are men in the lives of those women who they meet from time to time. They could be related or not related, but there are males who from time to time would be in the lives of the children and that would give exposure to the alternate role model. Do you have a comment about that in terms of what would be occasional exposure to a male or female and constant exposure in having a mother and father 24 hours a day?

WITNESS J: I think there would be a big difference having a limited exposure, obviously with the relationship those women would have with the men and therefore the child. It would be extremely different to what I have with a mother and father. I have the security and I know that mum and dad are always going to be there. I cannot speak about other people in that situation but I would imagine that if dad was a fleeting figure and was here sometimes and then he was not it would not feel like a secure relationship. I would not feel like I had the same level of trust. The fact that they are married and support me—I think the level of security would make a big difference.

WITNESS K: If you are suggesting that there are inconsistent male influences, that would be confusing for a child because in a stable environment where there is one father, like in our case, there is one role model. If you have more than one male influence it can get confusing because they will have contrasting and conflicting attitudes to different things so the child would be confused as to who to follow. Yes, there would be male influence but it would be inconsistent and not really effective in the growth of the child.

The Hon. GREG DONNELLY: Would Witness H and Witness I like to comment on that same line of questioning about the difference between the male and female and the stability of their being there permanently affecting the relationship with the children?

CHAIR: I am sorry to truncate your remarks but it would be appreciated if you could be as quick as possible so we can move on.

WITNESS I: The thought that came to mind was that Witness H and I work together well as a team. He said that I might be perceptive and I might pick up on something that is troubling the kids. It might be a personal issue with Witness K that he would rather talk to his dad about. I suppose I am in a position where I can say, "Witness H, you need to talk to Witness K about a couple of these things" and prime him up a little. Then he has the male-to-male relationship. It is the same thing with Witness J. It has been the case where I have said, "Listen, it might be nice if you mentioned this to Witness J", coming from the father. It is nice to be able to have a male to follow through.

The Hon. GREG DONNELLY: I think that is clear.

WITNESS H: I think we bring different perspectives to the relationship. I think the stability of having the male figure and the female figure there together all the time is a very significant factor that cannot easily be replicated by outsourcing, effectively, to someone else.

The Hon. GREG DONNELLY: Thank you. That is clear.

The Hon. AMANDA FAZIO: Witness H, I hope you do not think this is some sort of hostile question, but do you act sometimes—

WITNESS H: I have had to face a few in the past.

The Hon. AMANDA FAZIO: —as a spokesperson for—

WITNESS H: I have. That is right.

The Hon. AMANDA FAZIO: Good. I thought I had seen you on the television news. I just wanted to make sure otherwise I would be thinking about it later on and wondering "Where have I seen that man before?" My real question is about what Witness J said about the security of having two parents. One of the issues that have come before us during this inquiry is that there is a push from same-sex couples for adoption, which is coming from two angles. One is where a couple want to adopt a child that is known to them. For example, it might be a lesbian couple where one of them is actually the natural mother of the child in a long-term relationship with another woman and the other woman wants to be able to become the child's second recognised legal parent.

We have been advised by them that the reason they want to be able to do that is to provide that security for the child of having two parents so if the natural mother should die there is no question about what would happen with the child and all the issues flowing on from that. That is quite distinct from a same-sex couple getting themselves into the pool for adoption with one of the four adoption agencies in New South Wales. You have given us your view on same-sex adoption where the child is not known to the couple, but what would your view be in those circumstances where one of the couple is the legal parent of the child and their long-term partner wants to legitimise their role as a parent by being able to adopt the child?

WITNESS H: It is good to discuss these things. My first reaction is that years and years ago while I was growing up my father used to say to me, "Never compromise your principles for expediency." In one sense we should not be encouraging policy to emerge because of rare and exceptional circumstances. There may be other legal options that can actually provide the security for the child in those circumstances, such as guardianship. The reality is that the child in those circumstances already has a mother and a father; they just live apart. They do not need a second mother or a second father in those circumstances. Much and all as I can well understand they might want to provide from the strength of their relationship some stability and certainty for the child, it seems to me we already have that sort of model and they can already do that through guardianship or other means before the law that do not require a change to adoption law.

The second thing that comes to mind is that we are proud of adoption. It was always a word that our children knew from their very earliest days. They used to say when they were at preschool and so on, "You were just born but I was adopted." They were really proud of the fact that they were adopted. It is a different relationship and possibly under that circumstance you would actually magnify the difference for that child if you

went down that road. My reaction is that good policy is not made by considering rare exceptions particularly when there are other alternatives.

Ms SYLVIA HALE: Collectively you have presented a view of what you see as appropriate family circumstances where men bring particular characteristics to it and women bring others. Did any of you see a recent ABC documentary on raising young babies where there were three proponents of different methods of raising babies? One followed the method of Dr Truby King, which originated in New Zealand, which said it was important that very young babies be introduced to discipline at the outset. They were fed at a particular time, put to bed at a particular time and put out in the cold because that was good for them. Then that view, which was dominant in the 1940s, when I was brought up, was subsequently replaced in the 1960s by the views of Dr Spock, who said, no you really have to say there are three people in this relationship—the young child whose needs must be met as well as the mother's needs. It was a much more relaxed style of parenting.

Subsequently, and unfortunately I was too late for this, the approach was that the mother's responsibility was to keep the child with her at all times, carry it in a sling so the baby could feed when it wanted to, and to sleep with it in bed. What I am suggesting to you is that in the space of the last 50 or 60 years there have been varying notions of what constitutes the ideal way of raising children and they have very strong adherents. In some ways they are chalk and cheese. While you have a perception of how a child should be raised it is quite possible that people in different circumstances, whether it be a gay or lesbian relationship, would equally be able to say, "We bring different perspectives; namely we bring tolerance and an awareness of not everyone following the one model." Do you have any comment?

WITNESS H: I am not particularly familiar with the ABC documentary if it showed in the last little while. We have had a few things on in the last 12 months or so that kept us from watching much television. In terms of your general comment, it would seem to me to be an extraordinarily big call to experiment when you are charged with overseeing legislation that is clearly framed to be in the best interests of the child. There would need to be a dominance of research, opinion and expertise that would be very clearly barracking for you to make such a change. To do that would arguably be a big call, in the absence of overwhelming research to the contrary, if you are charged with acting in what are the best interests of the child. I think it is highly unlikely that we would have such a shift in opinion as you have mentioned occurred in the '40s, the '60s and the '80s. That is a big call and I am not quite sure how you would make it.

Ms SYLVIA HALE: Was that not the argument that was put when the proposal was to introduce no-fault divorce and the whole Family Law Court regime? Many people said, "This is going to be a disaster because it will overturn—"

WITNESS H: Some people feel that it was. I suppose we stand before you now as graduates of the modern adoption system, the one that was actually reframed in the late '80s. That put emphasis very strongly on what was in the best interests of the child. You have before you graduates of that system. That is only 20 or 25 years old. It was not long before then that parents almost purchased a baby. You paid the fee and you took as many as you liked, and they were lucky to have you and lucky that someone would take them so they were not in an orphanage or somewhere. We are graduates of the new model that says "No, we are really going to study hard and make sure that no matter how big the grief and the longing you will only ever be placed with a child if you can demonstrate that it is in their very best interests, if we are absolutely satisfied." In that sense we are not talking about adoption in the 1940s, 1950s and 1960s; we are talking about the modern approach.

Ms SYLVIA HALE: Can I ask Witness K or Witness J whether they have ever had a chance to meet children who have been raised in a same-sex situation?

WITNESS J: A very distant acquaintance I know of. That is as a result of her parents splitting up and her living with her father, but it is not something that I could comment on. I only know of an instance, but not how she was raised or anything like that.

WITNESS K: No.

The Hon. DAVID CLARKE: Witness H, I want to talk about role models. I would like you to give me a couple of examples of things that you do with Witness K, father-son relationship activities over the course of the past few years. Things that you do with your son that Witness I would not be doing.

WITNESS H: I am not as well gifted as he is in the hand-eye coordination stakes. I do hit a tennis ball and kick a football with Witness K, far more over recent years than perhaps Witness I has done. I remember the day, as Witness K reached adolescence, when we had a long chat about what it was to go from being a boy to a man. We got to the end and I was nervous and wrecked about how I was going to explain this to him. We had a coffee in Dural. I remember the day. Right at the end he said, "You didn't do too bad, dad. That wasn't too bad. I've got it and I understand." We have had time together and generally try every weekend to have one-on-one time. It might be an hour on the tennis court. It might be when we are at the footy together, which is what he does. Often we will talk about what I do at work and what he does at work. We talk about work ethic and we talk about the importance of role modelling and the importance of standing by principles and standing up for what you believe in. I still have some of those issues with Witness J, but with Witness K they are perhaps a bit more on the active side.

The Hon. DAVID CLARKE: Any father-son camps over the years, for instance?

WITNESS H: Yes, absolutely. Witness K and I have been going to father and son camps since he was in year 2. The last one was in year 8. That was designed because the boys were getting so big it was dangerous for the fathers to be wrestling with them or taking them on in games and on high ropes and other things we did. It was a sad occasion when we reached the last one of those.

The Hon. DAVID CLARKE: Was that an activity that Witness K used to look forward to throughout the year, going on these father and son camps?

WITNESS H: He was beside himself with excitement! Very much so. They were wonderful times and wonderful weekends. Witness K and I used to travel. As the Hon Amanda Fazio was saying I was involved in [...Evidence suppressed by resolution of the Committee] and travelled a lot around the world. It was a great occasion. Witness K came with me on one occasion to [...Evidence suppressed by resolution of the Committee]. We spent a few great days together in the rivers and mountains of [...Evidence suppressed by resolution of the Committee]. I remember those times; they are very special.

The Hon. DAVID CLARKE: Let us switch it a bit. Tell me some activity that you might do with Witness J that is a bit different from what Witness I might do.

WITNESS H: It is a bit different. She is always my first port of call when birthdays for Witness I are coming up, to give me guidance about what we should do and what mum would like. She helps me pick my ties in the morning. Witness J and I would perhaps be much more involved in watching a movie or in talking about various issues of life and other things. Watching television is one of her special hobbies, and I have to say I am a bit of a television addict when I get the time, so that might be something the pair of us will do.

The Hon. DAVID CLARKE: Witness I, you heard Witness H talk about the occasion when he felt a little traumatised in talking to your son about these life issues—probably not as traumatised as you would have been had you been required to undertake that task.

WITNESS I: For sure.

The Hon. DAVID CLARKE: What is something that you would do with your son or did with your son as he was growing up that your husband did not do? For instance, when he was in kindergarten who was the one he looked to to take him to kindergarten of a morning? Who was the one he looked to when he injured himself and he came in crying and looking for—

WITNESS I: When he broke the toilet in year 1 and came to the car in the afternoon distraught. When we adopted Witness J I happily gave up my full-time work so that I could be at home, and I am still doing it. I like to be there for them. Witness K would come to me with those issues. I would love to be there in the afternoon and hear his stories from school. I also like to have a game of tennis with Witness K. I do not think Witness H likes me doing that because I tend to give Witness K a good hit.

The Hon. DAVID CLARKE: Does he come to you as many times now with problems as he did in his early days, or does he go to his father a bit more these days?

WITNESS I: No. We probably have a different type of discussion now. More of a personal male to male queries that he might have, he certainly goes to his father. Advice, social parties and things like that, he will come to me about that.

The Hon. DAVID CLARKE: I just follow on some comments you made I think in response to Ms Hale, Witness H, you referred to the responsibility that we have as a society to ensure that we are doing the right thing by children.

WITNESS H: Yes.

The Hon. DAVID CLARKE: I think you were getting at the idea, as I understood it, that there is a sort of tradition there and before we depart from that and go into new territory we need to set the bar at a very high level.

WITNESS H: Yes.

The Hon. DAVID CLARKE: We cannot just see this as social experimentation. Am I understanding you correctly that that is what you were getting at?

WITNESS H: Absolutely. Adoption is a serious responsibility and obligation. It was one entered into by us and all of those who went through at the same time, and no doubt those since. You enter into that. You make a solemn commitment to the birth parents, to the young children you care for and to those who entrust them to you. Our strong view is that that model, the model that was re-engineered and put in place in the mid to late 1980s is a very, very successful one.

The Hon. DAVID CLARKE: So we do not change midstream because we think on the balance of probabilities it might in the end all turn out okay.

WITNESS H: That is exactly right. It is sad to see people grieving or desiring so deeply to be parents. We have seen that. We have been there. But that cannot be the motivating factor. It has to be the best environment for the children.

The Hon. DAVID CLARKE: Witness K, do you find that you are going more and more to your father on some things? Do you find that there is a separation of the things that you go to your mother about as opposed to your father?

WITNESS K: Probably maybe as I have got older, yes, but it is not a significant thing that I have noticed. But I would say yes.

The Hon. DAVID CLARKE: So some things you would go to either of them, some things you would go to your mother, you feel more comfortable doing it, and some things to your father.

WITNESS K: Yes, definitely.

The Hon. DAVID CLARKE: Witness J, what about you?

WITNESS J: Yes, definitely. I definitely would consider, if I have a problem, who I would talk to. If I have a money issue I would definitely go to dad about how I manage my funds because dad is really good with accounts and stuff. But if it is something to do with, I do not know, a relationship or—I know definitely through adolescence I felt much more comfortable going to mum because, as I said before, the idea of the empathy, mum has been there, I automatically have that connection with mum. I do not think it would be fair if I went and asked that kind of question to dad because he would probably answer it the best he could but he would probably say, "Go and speak to your mother."

The Hon. JOHN AJAKA: You would agree with me that today we have many families where children are raised by one mother or one father or a grandfather or a grandmother, and in some cases in situations I know you have children who are raised, for example, by a grandfather and another male, an uncle, et cetera, or you have a situation of a grandmother and a mother raising children. Are you aware of any instances where that is occurring and problems are occurring because a mum and dad are not there for a particular reason?

WITNESS H: We have many forms of family, and children are remarkably resilient under load. But it is not a question of whether they can survive; the question is whether they should be asked to. The legislation should be about supporting what is the very best environment for a child. I suppose we would put the view that the best environment is where there is a mother and a father and where they are married. A stable environment delivers, in our assessment, the very best outcomes. They can do it in other ways. You can get through life without an arm; with a serious disability you can still get through life. But at that point in time, when a child is being allocated and entrusted to a caring adoptive family, the question would be: what model is the most likely to have the best result?

The Hon. JOHN AJAKA: On that basis, if you have a situation where you have choices, if I can take an example subsequent to what the Hon. Amanda Fazio put to you, we have heard evidence of two women in a lesbian relationship where they have been permitted under the law to become foster parents of two children. They are currently the foster parents of both children. The law as it currently stands allows one woman to adopt one child and the other woman to adopt the other child, but both women cannot adopt both children. They are put in the position of having to choose.

The children have been with them for a number of years, as I understand it—and I am happy for any of the members to correct me if I am wrong on this evidence. They seem to be, by all accounts, a very happy, well adjusted family. They now wish to adopt those children together. They do not want to be forced into one choosing one child and the other choosing another child. For the issue of inheritance, other parents issues, medical, et cetera, they want to adopt both. Should we permit that adoption to go ahead when there is no other situation occurring? The children have been with them for far too long as foster carers to be able to say, "No, we can place them with another home."

WITNESS H: I think perhaps the comment I was making a little earlier is that generally you do not get good policy by basing it on rare exceptions or a unique set of circumstances that is not typical of what the policy is designed to do. I am not an expert in this area but there are legal avenues to look after those questions of care. Health care and those questions of inheritance can be dealt with without actually changing the law. But even if you did in those circumstances, the reality is that those children still have a mother and they still have a father. It is just they do not live together—

The Hon. JOHN AJAKA: Or they could both be deceased.

WITNESS H: That is true, but I do not see why they should have—mothers do not make good fathers, and fathers do not make good mothers. There may well be in those circumstances guardianship arrangements or other things that might deliver the security that the child needs, but to open up the adoption laws to a set of circumstances that is less than ideal—

The Hon. JOHN AJAKA: As I am seeing it, you can look at guardianship. You can look at protective commissioner type orders, if one wants to call them that, but the reality is that at the end of the day children do not attain the same entitlements, rights and protections in a guardianship situation that they would in an adopted situation, where the adoptive parents become the parents of the child in the normal, natural situation. So if we are looking at the best interests of the children, and clearly the child is better protected from an inheritance point of view only, let us just take that one example. A child would have far greater inheritance rights as an adopted child than be put in a guardianship situation with one person. Should we then say that it is in the best interests of the child to allow that adoption to go ahead?

WITNESS H: I do not know whether I necessarily accept the view that inheritance issues cannot be dealt with in another way. Perhaps the recommendation from the difficult deliberations that this Committee has to deal with is in fact exploring where they may need to be strengthened, rather than sanctioning and encouraging and opening up an environment where perhaps—I would think, certainly on the basis of our experience and the little bit we have read in terms of parenting and family structures, the overwhelming weight of evidence is that the very best environment is where there is a mother and a father in a stable, loving married relationship. That is the case. That is where adoption should be. If there is a unique set of circumstances which the law is not carefully looking after, then perhaps that is what needs to be altered.

CHAIR: Witness J, what did you and your mother do while your father and brother were on camps?

WITNESS J: We had our own. They went on father-son camps; we went on mother and daughter camps. We went on those right through primary school. Because it is just the four of us, even when dad and

Witness K went off and camped and what have you, we had our own girls weekend. We would sit home and watch the chick flicks that would otherwise not be watched in our household. We got to have our own bonding time as well.

(The witnesses withdrew)

WITNESS L, [...Evidence suppressed by resolution of the Committee], affirmed and examined, and

WITNESS M, [...Evidence suppressed by resolution of the Committee], sworn and examined:

CHAIR: Witness L, in what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

WITNESS L: As an individual.

CHAIR: Are you conversant with the terms of reference of this inquiry?

WITNESS L: Yes.

CHAIR: Witness M, in what capacity are you appearing before the Committee? Are you appearing as an individual or as a representative of an organisation?

WITNESS M: As an individual.

CHAIR: Are you conversant with the terms of reference of this inquiry?

WITNESS M: Yes.

CHAIR: Sometimes we might ask you questions about which you might not be comfortable. We are comfortable for you to take those questions on notice. If that happens, the secretary will follow them up and we would appreciate replies by 3 April. I understand that you have agreed to have your evidence made public, but in a de-identified form. Is that correct?

WITNESS L: Yes.

CHAIR: The secretariat will be contacting you after we have the transcript to discuss whether you are happy with it and to ensure that it is de-identified. Thank you for doing that as it means we can use your evidence in our deliberative process. Would you like to start by making an opening statement?

WITNESS M: We do not want to make anything too formal, but we would just like to thank the Committee for the opportunity to appear today. We think it is an important process and we are pleased to be involved in it. We are here to represent our experiences as a couple that has adopted through the existing processes. We do not profess to have any expertise. Whilst we have read a lot of the research and the testimony so far, we do not profess any expertise as to the quality of the research or the legal issues involved.

The Hon. JOHN AJAKA: I direct my question to either or both of you. It would help enormously if we understood your adoptive situation. Do you have one child or two children, and what are their ages?

WITNESS M: We have two children. Our first daughter, who is now seven years old, was born through IVF, which was very lucky for us. Our second child, who is a boy, is now three. He was adopted in 2006.

The Hon. JOHN AJAKA: Was the first child born through surrogacy?

WITNESS M: No.

WITNESS L: She is our biological child.

The Hon. JOHN AJAKA: Let me get straight to the point. What are your views on same-sex adoption? Could you let us know how you feel about that? Are you against it or for it, and what are your reasons for your decision?

WITNESS L: In the current situation I would be in favour of it, especially given that there is scope for same-sex parenting within fostering and with single gay people being able to adopt. It seems discriminatory not to allow it.

The Hon. JOHN AJAKA: To the next level?

WITNESS L: To the next level. The process we went through with Anglicare was quite detailed. It puts a lot of effort into choosing people to go onto its program. I do not see why Anglicare could not extend it—it might not want to, but there seems to be no reason for it not to extend it—to include gay people in its pool. I am in favour of that.

The Hon. JOHN AJAKA: Witness M?

WITNESS M: I have to admit that I have a conflict about this. I have given it a lot of thought since we found out about this inquiry. My first reaction was that I do not think same-sex couples should be allowed to adopt in the way that we did. The analyst in me recognises that existing legislation is probably discriminatory and I think it will change—that is my opinion—because of the society in which we now live.

The Hon. JOHN AJAKA: Let me give as an example two completely different scenarios, and I hope that this does not sound horrible. You apply for adoption, you go through all the checks and balances, there is a waiting period or someone mentions a waiting list, which is a terrible term, and then as complete strangers you adopt a child. Compare that with a child who has already been fostered in a home for four, five or six years, or for whatever period, and the child is adopted by foster parents, whether they be a heterosexual couple or a same-sex couple. Do you see a difference in those scenarios?

WITNESS M: One of the problems that I have with it is that I think there are several separate scenarios. If you have a child who is the biological child of a gay male or female and he or she has a long-term partner, that partner should be allowed to become the parent of that child. If there is a long-term foster situation where a child has bonded with both parents, again it seems wrong that the couple should not be allowed to formally adopt that child. I balk at allowing same-sex couples to enter into the process that we went through. I think the chances of a same-sex couple adopting in the process that we went through would be remote. Once they got through into the pool it would take an exceptional circumstance for a birth parent to look at the life stories of potential parents for that child and to say, "This is the couple that I select."

The Hon. JOHN AJAKA: There would be natural difficulties in that situation in any event?

WITNESS M: Absolutely.

The Hon. JOHN AJAKA: We have heard evidence about two women in a long-term relationship who have been fostering two siblings for a considerable period. Because of the way in which the law currently stands, one woman can adopt one of the children and the other woman can adopt the other child, but the two women cannot adopt both children. Each woman has not adopted a child because both of them do not want to have to choose between the children. Is that the example that you gave earlier, Witness L?

WITNESS L: Yes. That situation does not make sense.

The Hon. JOHN AJAKA: To allow the adoption?

WITNESS L: Not to allow it, or not to be able to go through with it. You would have to choose one child or the other, which is an untenable situation.

The Hon. JOHN AJAKA: If you, as a [...Evidence suppressed by resolution of the Committee], were fostering two children and you were allowed to adopt one child and your husband was allowed to adopt the other, would you want to be in a situation where you had to choose between them?

WITNESS L: No.

The Hon. JOHN AJAKA: I will ask my last question, which I have asked of other witnesses. You are both [...Evidence suppressed by resolution of the Committee]. Today there are many different types of families and sometimes only one parent raises a child. In some situations a father, a mother, an aunt, an uncle, or a grandmother raises a child. That is the reality of families today. Children are not just raised by a mother and a father in a married heterosexual and loving relationship.

WITNESS L: Absolutely.

Ms SYLVIA HALE: Evidence has been given to the Committee on a number of occasions that adoption by same-sex couples should not be facilitated because in a conventional situation a child should be raised by a mother and father who each possess characteristics that differ from one another. Do you have any views on that?

WITNESS L: If children are living in a home with parents in a heterosexual relationship the male and female influences impact on that child's development. We have friends who are single parents—male and female single parents of children—and they have to deal with the issue of getting input, either from a woman or from a man, for their child's development. That issue might be separate from the issue of whether a child should be brought up in a heterosexual family relationship. I think the importance of having male and female influences are well documented.

Ms SYLVIA HALE: Witness M?

WITNESS M: I agree with everything that Witness L said. One of the things that I think has changed since a lot of that data was collected is that fathering is different now from what it was 10 years ago, particularly in my profession. My mentors quite proudly state that they have changed only two nappies in their lifetime. That situation no longer exists. I guess that it does in some spheres, but these days most fathers are far more involved in the parenting and in the day-to-day running of the household. I think a lot of that data is tired. Today fathering is very different. The heterosexual father, or working father or working mother, brings different elements to the elements that were evident when a lot of that data was collected. I think the influences are important, but in all situations I think they are different from what they were previously.

Ms SYLVIA HALE: I gather from your view that provided the couple meet the requirements and they are found to be adequate in all respects to be parents, their gender or sexuality should not be an overwhelming consideration?

WITNESS L: At least to stop them having entry into the pool or into the process. If it is going to be an issue for birth parents and they are allowed to choose, they should be allowed that right to choose.

Ms SYLVIA HALE: It has been suggested that a child will suffer because it will become known that his or her parents are living in a gay or lesbian relationship and that child will be subjected to bullying and stigmatising. Do you have any comment on that?

WITNESS L: In some circumstances that might well happen. If children are placed with a couple whose financial situation changed dramatically and they are pulled out of their schools and have to live in a different place, they might also experience those things. I do not know whether you can protect a child against that. There are now so many different forms of family that it is hard to know whether children of a lesbian or gay relationship would be more stigmatised than any other. I am not sure whether they necessarily would be, depending also on where they lived and those kinds of things. Presumably, as parents, you would take that into consideration and you would ensure that there was less likelihood for your child to be bullied.

Ms SYLVIA HALE: As the parents of an adopted child, has that child ever been stigmatised by the fact that he or she has been adopted?

WITNESS L: No, not that we know. We are very open.

WITNESS M: That is one of the advantages of the open adoption process, which is very illuminating when you go through it. There has never been an issue because it has always just been part of the deal. The days of finding out when you are 25 that you are adopted are pretty much gone. Our family, our friends, our teachers and our preschool teachers all know and it is just part of the deal. You get to know a lot of people who have adopted children. That happens in a lot of different situations. There is a lot of overseas adoption and the children clearly are different from their parents. That is probably subject to more questions and issues than the situation we have been in.

CHAIR: When you are going through the process of the selection, counselling and education sessions, is it interesting to be questioned about your parenting skills? It entered my head as an interesting thought. It does not really relate to the terms of reference.

WITNESS M: It is an interesting self-examination of all aspects of your life.

CHAIR: Because you have to turn back and look into yourselves?

WITNESS M: Yes.

The Hon. DAVID CLARKE: Witness L, when you were asked if you favoured same-sex marriage, you said yes and you gave as a reason that otherwise it seemed discriminatory. You did not talk about the best interests of the child. Had you done any research before you came to that view or is it just a feeling that it is discriminatory? Did that basically decide the question for you?

WITNESS L: I certainly have not formally researched it. Up to maybe last week, when we knew we were coming here, it was not a subject that I had read about. I have had a look at the reviews, things like the Australian Psychological Society review, that sort of thing, which I know you are familiar with because I came across it through your transcripts. From my understanding of the research, it seems that the weight of the evidence would be in favour of the parenting process, that it is probably more important to the welfare of the child than whether the parents themselves are gay, lesbian, heterosexual or disabled in some way. That is where I came to that view and, to be honest, just my own experience of being a parent at the moment and looking around. There is such a difference in the way that people parent. You know, the neighbours do things completely differently to the way we do things. People say, "I wouldn't have done it that way." The range is so wide anyway that I do not know whether the sexuality of those people that were parenting would make much of a difference.

The Hon. DAVID CLARKE: You say you do not know whether it would. I put the proposition to you respectfully that that is not a particularly strong enough basis for us to change what has been the law for so long. Do you agree that you and your husband bring different role models to your children? Would you agree with that?

WITNESS L: In terms of gender role models?

The Hon. DAVID CLARKE: Yes.

WITNESS L: Yes.

The Hon. DAVID CLARKE: You would agree with that?

WITNESS L: Yes.

The Hon. DAVID CLARKE: Do you believe that other adopted children deserve to have the same opportunity as your child to be exposed to the different role models?

WITNESS L: Absolutely, but I do not know that those gender models necessarily need to be coming from two parents. I think everybody would benefit from having a male gender model and a female gender model, whatever we have in society, but I do not think it necessarily has to come from two parents. Otherwise, any child of a single parent would be suffering in the same degree. If one of the agencies were to pass a heterosexual couple to go into their pool, they do not have a guarantee that the couple will remain together and the child may still be raised by a single parent.

The Hon. DAVID CLARKE: That is true. A previous witness said that people with one arm can go through life successfully but people with two arms have a better chance to cope. You accept there is an advantage in there being a male and a female role model, which your adopted child has been able to experience, yet you are prepared to accept that other adopted children may not be exposed to the same role models as your own child has been. Is that fair to other children who are going to be adopted?

WITNESS L: To clarify the point, I did say that I think male and female role models are important, but they do not necessarily need to come from the two parents.

The Hon. DAVID CLARKE: But it is the optimum situation.

WITNESS L: Well—

The Hon. DAVID CLARKE: If we can aim for the best, should we not try to do that?

WITNESS L: It is not necessarily an optimum situation. As Witness M has said, many of his colleagues, older colleagues now, never saw their children. They were not around, but they were there. Could you say because they were both there, that would be optimum? Well, no, not necessarily, but they are both there.

The Hon. DAVID CLARKE: We know there are bad fathers and bad mothers. All things being equal, do you think that children are given a greater opportunity from a situation where they are exposed to the two different role models?

WITNESS L: Children need to benefit from two role models, male and female?

The Hon. DAVID CLARKE: Yes.

WITNESS L: Yes, I do believe that. But, as I said—and I am certainly no expert—some of the research that I have looked at seems to say, yes, that is important. There was something a while ago in the United States about single mothers of boys. They were introducing programs to bring in male role models for those boys because they found they were suffering particularly. Not a parent obviously, but it was a male role model brought in in a different way.

The Hon. DAVID CLARKE: That would support my point. You point to the fact that they were introducing these programs to bring in a male role model. We are in the situation where we say let's try to have both role models there from the beginning. By pointing out that program in the United States, are you not really supporting the concept that, where possible, we should try to have the two role models there in the first place?

WITNESS L: Two role models in a child's life, exactly, but it does not necessarily need to be the parents. It could be an uncle.

The Hon. DAVID CLARKE: I agree, yes.

WITNESS L: It could be a godparent, as long as that role model is available in a child's life. That would be the same as somebody who is a single parent.

The Hon. DAVID CLARKE: Both those role models are more likely to be there if the adopting parents are a male and a female, rather than trying to hunt around for an uncle, an aunt or a godfather.

WITNESS L: Do you think so?

The Hon. DAVID CLARKE: You do not think so?

WITNESS L: No. I do not think you can make a statement that it would or would not. If somebody went through the effort involved in trying to adopt a newborn, they went through the training process and did all the stuff they need to do, you would assume that the agencies who are experts in assessing if people are right and the people themselves would be aware that they need to bring in other gender roles so that the child can fully develop and they would work that into their relationship with the child and with one another.

The Hon. DAVID CLARKE: Except, [...Evidence suppressed by resolution of the Committee], we are dealing with the lives of children. Do you agree that before we socially experiment we need to be sure that we are doing the right thing not just on the balance of probabilities but beyond reasonable doubt? We need to put the bar at a very high level. Do you agree that before we socially experiment with the lives of children that we need to be sure that we are going down the right path and that we need to have not just evidence on the balance of probabilities but strong evidence at least beyond a reasonable doubt? What do you say to that proposition?

WITNESS L: I would say absolutely and I think the agencies involved—the Department of Community Services and certainly Anglicare, with which we are very familiar—seem particularly good at putting a great deal of effort in assessing what is in the best interests of the child when they are looking at a couple.

The Hon. DAVID CLARKE: Do you know that Anglicare does not support, as I understand it, same-sex adoption?

WITNESS L: I do.

The Hon. DAVID CLARKE: They have indeed looked into it and they have come to that view.

WITNESS L: Yes, but of the couples they are getting they seem to be very able to assess on an individual basis whether people can go into the pool, as do Barnardos and the Department of Community Services.

The Hon. DAVID CLARKE: Anglicare, which you came through, have used all their expertise and experience and have come down very firmly against same-sex adoptions. Witness M, do you have a comment to make on the general thrust of our discussion?

WITNESS M: I do not speak on behalf of Anglicare but I think I can further clarify their position. They are coming from a position of expertise based on religion, but they are also coming from a position as a religious organisation. The Anglican religion does not really recognise same-sex couples. So they are not going to accept same-sex couples into their pool based on the tenets of their religion. I think that is a completely different situation. If you took the same people who work in that organisation out of the church-based scenario, I think they would be equally expert at assessing a same-sex couple to go through into their pool and they would probably go through into their pool if they met all the requirements, all other things being equal.

The Hon. AMANDA FAZIO: There are two secular and two religious agencies involved in adoption in New South Wales. Can you tell us why you went to Anglicare? Was it because of your own religious beliefs?

WITNESS M: When we started looking at this, there are obviously very specific scenarios involved. For example, the Department of Community Services deals with a lot of abused children and children taken into care. They do a lot more permanent placement rather than formal adoption, or that has been the way up until now. Barnardos deal with a lot of children with disabilities. Centacare, I think, is more Catholic-based. We went to the Anglicare information night. I have grown up with the Salvation Army and went to an Anglican school, so that was something I was comfortable with. We were very impressed with their information. We sort of clicked with the people. We had also looked at overseas adoption, but it was not something we wanted to get into for a number of other reasons. We were just very impressed with the way Anglicare went about the process. It was not based on a religious conviction, just the quality of their process really.

The Hon. AMANDA FAZIO: If the law were to be changed to allow same-sex adoption, do you think agencies like Anglicare and Centacare should be allowed to decline to deal with applications for same-sex adoption on the grounds that their religious beliefs do not support it? Do you think that is a reasonable proposition?

WITNESS M: I would not put it in those terms as in "decline". I think that if the legislation were there, then the agencies that currently do adoption do it with a great deal of expertise. To lose those organisations would be to throw the baby out with the bathwater. If they applied for a religious exemption to the legislation, I think that would be a more acceptable situation rather than lose that expertise.

The Hon. AMANDA FAZIO: In terms of the parental view on whether the birth mother, for example, has a say in who is able to adopt the child that she is relinquishing, do you think it is reasonable for the birth mother to have the ability to say that she wanted the child to definitely go to a heterosexual couple?

WITNESS M: I think one of the things with open adoption is that it does give the birth parent as much chance as possible to have an influence over the child's development. Birth parents recognise that they cannot offer what they want for their child, for whatever reason. That does not mean that all of their rights should be removed from them. If they can see a model in the parents that they are choosing that they would choose for themselves, then they should have that opportunity. My views are different to Witness L's, but I can see the situation where a birth mother who has, for example, been abused by male role models in her life would want, say, two women to raise her child, and I think that is an acceptable choice. To force someone like that to put her child that she cannot raise herself into a situation that she does not feel comfortable with, I think, is abhorrent.

The Hon. GREG DONNELLY: Thanks for coming along today and giving your evidence. I think one of you or both of you said at the start that you had had a chance to read through the transcript of the proceedings thus far, is that the case?

WITNESS L: Yes. I am not sure we read all of it.

The Hon. GREG DONNELLY: Evidence on one of the key issues that has been put by different witnesses to this inquiry has conflicted. That is this question over whether or not fathers and mothers innately, because they are a man and a woman, bring something different to parenting, in the nurturing and the raising of the child. The phrase has been used by some of the experts, and if I can use it—and it is not meant to be quaint or a throwaway line—that innately a father cannot be a mother and a mother cannot be a father. That is the line that has been put by some of the experts. On the other hand, it has been asserted by other witnesses that we need to come to terms with where society is today, and that is we have moved beyond this paradigm of a mother and a father and a child and moved to the notion of parents and a child.

So, there is a sort of degendering this whole thing. In other words, really and truly, as long as the child is loved, cared for and feels secure, however that love, care and security is achieved, whether it is done by a heterosexual couple, married or de facto, whether it be a homosexual couple, two gays, two lesbians, indeed—extrapolating—a single person or maybe even three adults, as a hypothetical example, that in the end if there is love, care and security, that is the touchstone of what we need to be looking at in making a decision over adoption.

I suppose what has been exercising my mind in looking at the expert evidence is that I am not convinced that motherhood and fatherhood can be degendered and simply reduced to a role model. In other words, if there is no mother but if there are female influences passing through the child's life or, the other way around, if there are two women and no father but there are males passing through the life of the child, that that exposure to a male or a female is not the same in any reasonable way as having a mother who is there 24 hours a day, seven days a week, 50 weeks of the year, and equally so with respect to the father. In terms of the changing of the Adoption Act, as the Hon. David Clarke said, the status quo provides for heterosexuals to adopt, and the bar has been deliberately set in the objectives of the Act that the best interests of the child is the paramount consideration.

What we are facing is looking at the reality of the world, so to speak, looking at the best interest of the child and looking at the model of adoption that you are familiar with and have come through. I wonder with respect to the evidence you have both given, and going back to your earlier answers, is it your position that in the end it does not matter whether a child has a mother and a father to nurture and raise them compared to having two males or two females? In the end, that really does not matter, is that your testimony to the Committee today? That is what is really at stake in our consideration. That is where we would be moving from in going from where we are at the moment.

WITNESS M: I think to break it down to brass tacks, that is essentially what you are talking about, and I believe a child is better off with a mother and father if you are talking about core beliefs, but if you are talking about restructuring adoption and all that sort of thing, the process would really only allow adoption by same-sex couples in exceedingly rare situations. I think it would not be mere lip service or getting rid of discrimination to change the Act; it would be simply a purifying of the process, if you like, a simplifying of the process. I really believe, getting back to what I said before, they are two separate issues. The adoption process we went through would be highly unlikely to select a same-sex couple, unless it was the very specific situation I spoke about before. Whereas, I think a far more common situation would be the partner of somebody with a biological child, a same-sex partner, wanting to be recognised as the formal parent of a child, and if all parties were involved in that I do not see why they should not be able to do that. But to change the law I think you have to have a blanket change and the worry is that is going to allow open season for same-sex couples to enter the mainstream adoption process. That is not going to happen.

The Hon. GREG DONNELLY: You think by changing the definition in the Adoption Act to provide for same-sex adoptions that that is not going to increase the number of same-sex couples, bearing in mind at the moment they are prohibited from adopting?

WITNESS M: With all respect, you have to go through the process to understand it. The number of heterosexual couples who go through the adoption training and come through the other side is very small. You start out with a large pyramid and get down to a small point.

The Hon. JOHN AJAKA: Can you give any indication of figures?

WITNESS M: I have no idea. But from our experience, I think 10 couples came to the training and two or three got through to the pool. That is an 80 per cent attrition rate. I think that would be exactly the same for same-sex couples, because when they entered the process and found out what was involved, a lot would fall by the wayside. That is my feel.

WITNESS L: And the agency was very clear to prospective parents—

The Hon. GREG DONNELLY: This is prospective heterosexual parents?

WITNESS L: Yes, the ones who were applying to adopt—that you are less likely to be picked if you were older, and so on. It is just the reality, because it is the birth parents in the end choosing, or if you had some serious illness it may not be very likely. Then it was left up to the people if they wanted to carry on, but with a great deal of cautioning that they may be wasting their time.

WITNESS M: Not many people are going to put their hands up to sit with two people they do not really know for 10 hours and have all aspects of their lives examined. That is a very demanding thing to do and I am sure not many people in this room would like to discuss their sex lives and the intimate details of their relationship for 10 hours with somebody they do not really know. And I think you can say that of all individuals in society.

The Hon. GREG DONNELLY: With regard to the evidence I said was in the testimony of other witnesses, there was for example research from the University of Western Australia that you may or may not have read, research from Harvard University and a range of other institutions. These are secular institutions, not religious organisations that have an axe to grind, if I can use that phrase, whereby the professionals, the experts who have looked at this, have found there are quite discernible differences between mothering and fathering and what complementary effect that has on the child's development. Is that something that should have weight placed on it or not be considered? How do you see that sort of evidence as it comes forward and presents itself? Put aside the issue of discrimination, because bear in mind that is not an issue for this legislation, because the paramountcy of the child is it. The rights of the adult are subservient to the best interests of the child, irrespective of their desire to have a child.

WITNESS L: We both agreed, having looked at the small amount of research that we looked at, we are glad we are not trying to make a decision based on it. It is all over the place. Certainly the reviews do not seem to help that much. There is evidence in it for everything. I do not know where that leaves you in your job, trying to assess the quality of it.

WITNESS M: I think from a clinical medicine point of view the data makes no sense to me at all. It is not the way we would look at data.

The Hon. GREG DONNELLY: Not very scientific?

WITNESS M: I cannot say that, because it is not my sort of science, but it is not the sort of evidence we would accept.

The Hon. GREG DONNELLY: It is the scientific model that you will be familiar with as opposed to the qualitative sort of research?

WITNESS M: Exactly. But I think the fact you bring up Western Australia is interesting because that is where this is legal and in the past five years only one child has been adopted by a same-sex couple, and I think that number reflects what will happen in the wider situation. That is probably the one girl that has been abused by—

The Hon. GREG DONNELLY: Actually a boy.

WITNESS M: I think it is pretty clear.

The Hon. JOHN AJAKA: Witness M, you indicated you are a [...Evidence suppressed by resolution of the Committee], but, Witness L, could you give us some indication of your qualifications, your [...Evidence suppressed by resolution of the Committee]?

WITNESS L: I am a [...Evidence suppressed by resolution of the Committee].

CHAIR: I thank you two for coming here. I know it is a big effort out of your lives but I thank you very much, and it assists us very much, particularly if you allow us to publish your de-identified information. I have discussed with Merrin from the secretariat the [...Evidence suppressed by resolution of the Committee] bit. We will be getting rid of that too. I do not think there are too many [...Evidence suppressed by resolution of the Committee] around the world. The secretariat will contact you about that. Is there anything else you wanted to say?

WITNESS M: No, I do not think so.

(The witnesses withdrew)

(The Committee adjourned at 5.57 p.m.)