



**THE  
AUSTRALIAN  
FAMILY  
ASSOCIATION**

[www.family.org.au](http://www.family.org.au)

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**Emailed to: [hcdsdfvpc@parliament.qld.gov.au](mailto:hcdsdfvpc@parliament.qld.gov.au)**

Research Director  
Health, Communities, Disability Services and  
Domestic and Family Violence Prevention Committee  
Parliament House  
George Street,  
BRISBANE QLD 4000

**Re: Adoption and Other Legislation Amendment Bill 2016**

**1. Introduction**

Our submission includes the following:

- Background on the Australian Family Association (AFA)
- Specific comments on the Bill
- A discussion on the principles for our submission
- Recommendation

However, before addressing these aspects, we consider what we believe to be misleading statements about the Bill.

The Minister's first reading speech introducing the Bill into Queensland Parliament on 14 September highlighted her confusion about "community expectations" and "evolving notions of family". The Minister did not provide a factual basis for these comments.

The Minister indicated the adoption eligibility criteria would be expanded to include same-sex couples and single people because of clear evidence they can provide "loving and nurturing and family environments" for children.

However, the Minister ignored the fact that these environments cannot provide parenting involving both a mother and a father, which are so important to the best interests of the child. No one doubts that many same sex couples (and single persons) would make loving and nurturing parents. However, in a lesbian relationship neither mother can be a good Dad, nor with two gay men neither father can be a good Mum.

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**Patrons of the AFA**

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The Minister considered that the proposed expanded eligibility criteria would be “fair and equitable.” But for whom are they fair and equitable? They may be fair and equitable for same sex couples and single persons seeking to obtain children by adoption, but they are they fair and equitable for a child who deserves to be parented by both a mother and a father?

The Minister went on to suggest that this proposed change would facilitate “matching a child to prospective adoptive parents who will best meet the child’s individual needs.” This is just nonsense. It is quite clear that, all things being equal, opposite gender parents – not same sex or single parents - would best meet a child’s individual needs.

Having said that, we would not be opposed to the Chief Executive exercising discretion to allow single persons who are related to the child to adopt, where clearly in the child’s best interests.

We are concerned the proposed expansion of the adoption eligibility criteria to include same-sex couples and single people is another example of government legislation which is deconstructing the notion of family involving a married father and mother and the child.

It is disconcerting that a Queensland Labor Government is once again proposing to legislate a policy that will potentially hurt children, in the similar way that legalising surrogacy for same-sex couples and single people did in 2010.

We note that the then Attorney-General Cameron Dick specifically assured church and pro-family leaders in a meeting in February 2010 that similar reforms to adoption laws would never occur in Queensland.

It was only three years ago that our then Prime Minister Julia Gillard gave a national apology for the forced adoption policy of the 1950s to 1970s – yet the Queensland Government is now attempting to implement another policy that will deprive a child of a mother: a policy allowing adoption by two homosexual men, or a single male, for that matter.

This proposed change would be a totally unacceptable and an unethical social experiment on vulnerable children who already have suffered the trauma of having lost their biological parents. The last thing they need is to be placed by the state into a permanent situation where they are missing one parent – either mother or father.

Recognising that under the existing eligibility criteria there is currently more demand from suitable married couples than prospective adopted children, we conclude there is no need to expand the criteria to increase the adoption demand pool.

The existing criteria discriminate in the best interests of the adopted child by seeking parenting of the child by both a mother and a father. This is positive discrimination and is not discriminatory in the sense of bias or bigotry. Any suggestion otherwise is a false assertion.

## **2. Australian Family Association background**

The Australian Family Association (AFA) has been in existence for over 35 years as a voluntary, ecumenical and non-party-political organisation. Our website at [www.family.org.au](http://www.family.org.au) identifies that we provide a forum and a vehicle for those individuals and organisations in the community concerned with the strengthening and support of the natural family. We provide a Definition of Marriage and Family in section 4.1 of this submission.

We recognise there are different forms of families which need care, compassion and support. However, our activities are directed towards the consolidation of the family unit, seeking the support of public policy so as to forestall the causes which today lead to the disintegration of the family and its fundamental role as the basic unit of society.

We respect the sanctity of life from conception to natural death. The right to be born must be extended to all human beings. The dignity of human life cannot be compromised.

We are concerned at the dismantling of a marriage culture from our society. We highlight the disconnection of the sexual relationship between men and women from marriage, how anti-conceptive practices have led to rampant teenage sexuality, the increase in sexually transmitted diseases and the increase in unplanned pregnancies leading to the escalation in abortion rates and reduced adoptions.

### 3. Comments on Changes to Eligibility in the Bill

The broadening of the adoption eligibility criteria to allow same-sex couples and single persons to have their names entered and remain in the expression of interest register should **not** be implemented.

The number of couples seeking to adopt far outstrips the number of children available for adoption. To uphold the best interests of the child, the criteria should involve:

- 1) Restricting the eligible applicants to married couples only. Social science data confirms that unmarried couples' relationships are significantly less stable than that of married couples.
- 2) Increasing the relationship/marriage duration requirement. Queensland should follow the South Australian example of minimum 5 year duration.

Queensland should not follow the mistakes of other jurisdictions which have capitulated to the interests of adults by trampling on the rights of children. This would occur if the law was changed to remove the certainty that an adoptee would receive a mum and a dad by:

- a. allowing same-gender couples to adopt and
- b. allowing single adults to adopt (as indicated previously, exceptions should be considered in non-stranger adoptions)

Further, the criteria should not allow the following adoption scenarios:

1. One same-sex partner adopts the biological child of the other from a former heterosexual relationship. The AFA's view is that this violates the rights of:
  - a. The child to his/her biological parent being on the birth certificate; and
  - b. The biological parent if removed from the birth certificate.
2. One lesbian partner adopts the biological child of the other partner conceived by donor conception (ART or AI). This violates the rights of:
  - a) The child to knowing his/her biological identity i.e. the identity of his/her biological father;
  - b) The biological father if he wishes to be involved in the child's life and take responsibility for the child.
3. A male homosexual partner adopts the biological child of the other partner conceived by and/or carried by a surrogate mother. This violates the rights of:
  - a) The child to knowing his/her full biological identity i.e. the identity of his/her mother(s) (egg donor and/or surrogate); and

- b) The egg donor and surrogate mother(s) to have her/their biological relationship to the child on record.

#### **4. Submission Principles**

Our submission is based on unchanging principles and truths about the best interests of children.

##### **4.1 Marriage and biological family**

The AFA holds to the definition of marriage as defined in the Marriage Act, “the union of a man and a woman to the exclusion of all others voluntarily entered into for life.”

Marriage forms the basic structure for a child’s family life composed of father, mother and children. Children are linked in a wider but still necessary relationship of grandparents, grandchildren, aunts, uncles: a kinship group of human beings linked by ties of blood, marriage and adoption.

The AFA holds that the biological family is the basic unit on which human societies are built and is the prime agency for the moral, social and emotional development of children.

In the light of these principles, the AFA’s view is that any law effecting legal parentage or guardianship of children must be in the best interests of the child rather than in the interests of adults who may wish to adopt a child.

##### **4.2 A child’s basic rights**

Every child has the right to know his/her biological heritage, his/her biological father and mother and siblings. A child has the right to have his/her biological mother and father and biologically related siblings recorded on his/her birth certificate, or at least a legal requirement that such information be recorded and available to him/her should the child want or need to access it.

Dr Margaret Somerville, Professor of Bioethics in the School of Medicine at the University of Notre Dame Australia and an internationally recognised human rights academic, writes that: “... at the very least, children’s human rights with respect to their biological origins are... for the child to know the identity of the progenitors of those origins...” (see *Bioethics Research Notes*, Vol. 23, No. 1, March 2011, pages 1-11 at [www.family.org.au/afa-journal/112-afa-journal-vol-32-no-2-2011/182-children-s-human-rights-to-natural-biological-origins-and-family-structure](http://www.family.org.au/afa-journal/112-afa-journal-vol-32-no-2-2011/182-children-s-human-rights-to-natural-biological-origins-and-family-structure)). The child must be able to establish filiations, that is to say links of blood relations linking him/her to his/her biological father and mother and siblings.

There are good reasons why a child should know his/her biological heritage. It is important to know one’s genetic inheritance for health reasons and for feelings of connection and belonging.

This has been acknowledged in relation to children conceived through ART. Narelle Grech, who was conceived by donor conception, is a case in point (see her interview on the ABC’s *7.30 Report* which was broadcast on 28 March, 2012 at [www.abc.net.au/7.30/content/2012/s3466044.htm](http://www.abc.net.au/7.30/content/2012/s3466044.htm)).

##### **4.3 Benefits for children raised by a mother and father**

Research clearly shows that children raised by their two biological parents within a stable marriage enjoy significant advantages in terms of better physical and mental health, better educational outcomes, fewer behavioural problems, more successful and satisfying adult relationships, higher level of career achievement and consequently of income level than children raised in other family forms, single parent, heterosexual de facto or step family.

There are many studies which evidence these benefits to children of being raised by their married biological parents and the disadvantages suffered by children when their biological parents divorce or separate and they end up being raised in other family forms (for significant articles and studies see

[1], [2], and [3], and see Kevin Andrews' book *Maybe I Do* at pp 49-103 and the numerous studies referenced there).

Of course, where children have lost their biological parents or they are incapable of caring for the child, the state has an obligation to provide the next best family structure for the child, and that is a loving stable home provided by a man and a woman in a committed marriage.

Research shows that the complementarity of opposite gender parenting is vital in producing the best outcomes for child development. This also applies to adoptive parents of opposite gender.

A good summary of the research in this area is an article published in *The Public Discourse* on May 18, 2015 entitled *Why Moms and Dads Both Matter in Marriage*, by Dr Jenet Erickson, former Assistant Professor of Family Studies at Brigham Young University, currently a full-time mother and freelance writer. This can be found at <http://www.thepublicdiscourse.com/2015/05/14962/>

Some insights from her article include:

- Mothers and fathers are not interchangeable—they both add distinct benefits to the development of children. Their distinct parenting styles have been described as Coo and Cuddle vs Tickle and Toss.
- While mothers are uniquely important in developing secure identity and emotional understanding, fathers are uniquely important in developing social and relational capacity.
- Mothers provide a verbally rich, teaching orientation which has important implications for cognitive development, including memory, problem-solving, and language advancement.
- Fathers complement the foundational contributions mothers make to children's cognitive development and build upon it. When fathers are "involved, nurturing, and playful," children exhibit higher IQs, language development, and cognitive skills.

Regarding the importance of both mother and father in the gender identity and sexual development of children, Ericksen quotes the words of famed anthropologist Margaret Mead, "One of the most important learnings for every human child is how to be a full member of its own sex and at the same time fully relate to the opposite sex. This is not an easy learning; it requires the continuing presence of a father and a mother."

We note that it has been argued that if same sex couples could marry, then any children they raise would enjoy the benefits of married parents. However, there is evidence from other countries which have legalised same-sex marriage that even the legal status of marriage does not reduce the much higher rate of breakdown of same-sex relationships.

In Norway, data has revealed that same-sex male couples were 1.5 times more likely to break up than heterosexual couples and same-sex female couples 2.67 times more likely to break up. Within 5 years, 20% of male and 30% of female couples had broken up compared to 13% of heterosexual couples.

In Sweden, married male couples were found to be 50% more likely to break up than couples in heterosexual marriages, while the risk for female same-sex couples was nearly double that of male couples (see Andersson G. et al) [4].

#### **4.4 Studies on same-sex parenting**

Same-sex parenting is a big social experiment. Those studies which claim to show no differences in outcomes between children raised by same-sex couples and those raised by a married mother and

father have been found to be methodologically flawed - to have problems with sample sizes, non-random samples and poor or non-existent comparison groups.

The gold standard research on same-sex parenting is a peer-reviewed study by Sullins, D.P., entitled *Emotional Problems Among Children With Same-Sex Parents*, which was published in the *British Journal of Education, Study and Behavioural Science* in 2015. Drawing on the US national Health Survey Interview database of 207,000 children, Sullins concluded that “emotional problems were over twice as prevalent for children with same-sex parents than for children with opposite-sex parents. Specifically, serious emotional problems were found in 17.4% of children with same-sex parents versus 7.4% of children with opposite sex parents,

Even more disturbing is a peer-reviewed study by Dr Mark Regnerus, Professor of Sociology at the University of Texas at Austin, entitled *How Different Are the Adult Children of Parents Who Have Same-Sex Relationships?* Findings from the New Family Structures Study, which was published in the *Social Science Research* journal in 2012. It found that the children of lesbian mothers were, as children, ten times more likely to have been sexually touched by a parent or other adult and four times more likely to have been forced to have sex against their will.

For references to studies on same sex parenting see the enclosed Appendix.

It cannot be in “the best interests of the child” to create more situations where children will be deprived of being raised by a mother and a father, such as would be the case with adoption by same-sex parents or single persons.

The onus is on those who advocate for change in this area to prove conclusively that there would be no harm to children, and this they cannot do.

## 5. Recommendation

**We recommend that the proposed broadening of the adoption eligibility criteria to allow same-sex couples and single persons to have their names entered and remain in the expression of interest register should NOT be implemented.**

The Committee may contact the Australian Family Association about our submission by email at [REDACTED] or by mobile on [REDACTED]. We request an opportunity to speak to our submission at a public hearing of the Committee.

Sincerely,

[REDACTED]

**Michael Ord**

[REDACTED]

Queensland President

on behalf of the Queensland Branch of the Australian Family Association

**APPENDIX****References:**

- [1] The research so far: Mom + Dad still best for kids, Sutherland Institute, February 12, 2015, [www.sutherlandinstitute.org/news/2015/02/12/the-research-so-far-mom-dad-still-best-for-kids-2/](http://www.sutherlandinstitute.org/news/2015/02/12/the-research-so-far-mom-dad-still-best-for-kids-2/)
- [2] (How) Does the Sexual Orientation of Parents Matter?  
[www.faculty.law.miami.edu/mccoombs/documents/Stacey Biblarz.pdf](http://www.faculty.law.miami.edu/mccoombs/documents/Stacey_Biblarz.pdf)  
  
Author(s): Judith Stacey and Timothy J. Biblarz, Source: *American Sociological Review*, Vol. 66, No. 2 (Apr., 2001), pp. 159-183, Published by: American Sociological Association
- [3] More Heat Than Light: A Critical Assessment of the Gay Parenting Literature,  
[www.works.bepress.com/douglas\\_allen/1/](http://www.works.bepress.com/douglas_allen/1/)
- [4] The Demographics of Same-Sex Marriages in Norway and Sweden, *Demography*, 2006 43(1), 79-98 and Andersson G. et al, "Divorce-Risk Patterns in Same-Sex marriages in Norway and Sweden", 2004 at [www.uni-koeln.de/wiso-fak/fisoz/conference/papers/p\\_anderson.pdf](http://www.uni-koeln.de/wiso-fak/fisoz/conference/papers/p_anderson.pdf)



## APPENDIX

### 1. Regnerus study

“How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study” - Mark Regnerus, Department of Sociology and Population Research Center, University of Texas at Austin, 1 University Station A1700, Austin, TX 78712-0118, United States, (see - [http://www.markregnerus.com/uploads/4/0/6/5/4065759/regnerus\\_july\\_2012\\_ssr.pdf](http://www.markregnerus.com/uploads/4/0/6/5/4065759/regnerus_july_2012_ssr.pdf) )

Regnerus found that, when compared with outcomes for children raised by an "intact biological family" (with a married, biological mother and father), *the children of homosexuals did worse (or, in the case of their own sexual orientation, were more likely to deviate from the societal norm) on 77 out of 80 outcome measures.*

Unlike the previous studies on children of homosexual parents, Regnerus put together a representative, population-based sample that was large enough to draw scientifically and statistically valid conclusions.

Some previous studies collected data while the subjects were still children living at home with their parent or parents--making it impossible to know what the effects of the home environment might be once they reach adulthood. Some such studies even relied, in some cases exclusively, on the self-report of the *parent*. This raised a serious question of "self-presentation bias"--the tendency of the parent to give answers that make herself and her child look good.

Regnerus, on the other hand, surveyed young adults, ages 18 to 39, and asked them about their experiences growing up (and their life circumstances in the present). While these reports are not entirely objective, they are likely to be more reliable than parental self-reports, and allow evaluation of long-term impacts.

In Regnerus' study most of the children in same-sex family situations did not live with both the same-sex parent and that parent's partner or, if they did, not for very long. Same sex couples rearing a "planned" child together from birth (either through adoption or IVF and/or surrogacy) was not the norm and not common. It may be that "planned" children conceived by same sex couples through ART or surrogacy will make up the greatest number of children being sought to be adopted by same sex couples to obtain legal parentage for the biologically unrelated partner. Regnerus' findings may not seem to apply to them. However the figures on the higher rate of relationship breakdown with same sex couples are cause for grave concern. Children being raised by a same-sex couple will more likely end up in a single parent family or a series of same-sex single parent and same-sex partner families. The breakdown of the parents' relationship, whether marriage, de facto or same-sex union, has serious negative consequences for the child. Just as the child's rights are violated by deliberately allowing him/her to be conceived and born into a relationship that is statistically highly likely to break down (see \*Norwegian and Swedish studies referred to



above) the child's rights are violated by deliberately allowing him/her to be adopted by adults in such a relationship.

### **Detailed Results from Regnerus Study:**

The study found eight outcome variables where differences between the children of homosexual parents and married parents were not only present, and favourable to the married parents, but where these findings were statistically significant for *both* children of lesbian mothers and "gay" fathers and *both* with and without controls. While all the findings in the study are important, these are the strongest possible ones--virtually irrefutable. Compared with children raised by their married biological parents (IBF), children of homosexual parents (Lesbian Mothers (LM) and gay Fathers (GF):

- Are *much* more likely to have received welfare (IBF 17%; LM 69%; GF 57%)
- Have lower educational attainment
- Report less safety and security in their family of origin
- Report more ongoing "negative impact" from their family of origin
- Are more likely to suffer from depression
- Have been arrested more often
- If they are female, have had more sexual partners--both male *and* female

The high mathematical standard of "statistical significance" was more difficult to reach for the children of "gay fathers" in this study because there were fewer of them. But the following are some additional areas in which the children of LMs (who represented 71% of all the children with homosexual parents in this study) differed from the IBF children, in ways that were statistically significant in both a direct comparison and with controls. Children of lesbian mothers:

- Are more likely to be currently cohabiting
- Are almost 4 times more likely to be currently on public assistance
- Are less likely to be currently employed full-time
- Are more than 3 times more likely to be unemployed
- Are nearly 4 times more likely to identify as something *other than* entirely heterosexual
- Are 3 times as likely to have had an affair while married or cohabiting
- Are an astonishing *10 times more likely to have been "touched sexually by a parent or other adult caregiver."*
- Are nearly 4 times as likely to have been "physically forced" to have sex against their will

- Are more likely to have "attachment" problems related to the ability to depend on others
- Use marijuana more frequently
- Smoke more frequently
- Watch TV for long periods more frequently
- Have more often pled guilty to a non-minor offense

### Meta-analysis of same-sex parenting studies by Loren Marks:

"Same-sex parenting and children's outcomes: A closer examination of the American Psychological Association's brief on lesbian and gay parenting," *Social Science Research* Vol 41, Issue 4 (July 2012), pp. 735-751; online at: <http://www.sciencedirect.com/science/article/pii/S0049089X12000580> ).

Loren Marks, of Louisiana State University, analysed the 59 previous studies cited in a 2005 policy brief on homosexual parents by the American Psychological Association (APA). Marks debunks the APA's claim that "[n]ot a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents." Marks points out that **only four of the 59 studies cited by the APA even met the APA's own standards by "provid[ing] evidence of statistical power."** She carefully documents, "[N]ot one of the 59 studies referenced in the 2005 APA Brief compares a large, random, representative sample of lesbian or gay parents and their children with a large, random, representative sample of married parents and their children."

### 2. Crouch study (Australian) - <http://www.biomedcentral.com/1471-2458/14/635>

The Crouch study was a cross-sectional survey, the Australian Study of Child Health in Same-Sex Families, which was distributed in 2012 to a **convenience sample** of 390 parents from Australia who self-identified as same-sex attracted and had children aged 0-17 years.

**Parent-reported**, multidimensional measures of child health and wellbeing and the relationship to perceived stigma were measured.

315 parents completed the survey representing 500 children. 80% of children had a female index parent while 18% had a male index parent. Children in same-sex parent families had higher scores on measures of general behaviour, general health and family cohesion compared to population normative. There were no significant differences between the two groups for all other scale scores. **Physical activity, mental health, and family cohesion were all negatively associated with increased stigma** and the presence of **emotional symptoms was positively associated with increased stigma.**

However the following are serious limitations of the study:

**It does not ask a representative sample of parents.** The respondents were recruited through gay and lesbian organisations and gay and lesbian press and through gay and lesbian support groups, among those who would have been well aware of the nature of the study and its political significance from the outset, with an election looming in the state of Victoria and same sex adoption an known election issue. It is not representative of same sex families.

**It does not ask children independently of their parents.** The study asked the parents of mostly very young children how the children are faring. The children between 10 and 17 were allowed to fill out a questionnaire with parental consent but any such data does not appear to be included in the study. The median age of the children of male parents in the study was 2 years and of female parents 4 years. So most of the children would not have been able to make their own report even if they had parental consent. This contrasts with the Regnerus study where the participants were from a random screening of more than 15,000 people which produced 250 adults (18-39) who had responded that they had grown up with a parent who had had same sex relationships. The key research questions were not revealed to them until the interviews actually began. So the risk of bias or spin was greatly reduced and the 'children', now adult, spoke for themselves.

The method of the study was to collect the data on which the conclusions were based from the responses of the "index parent", that is the main parent responsible for the child, not from the couple. 90% of the "index parents" were "in a relationship" at the time of the study but it is not clear whether they were living together. A same-sex "family" could be a single lesbian mother, in a relationship but not living with a lesbian partner, raising a child. (See the criticism of the Regnerus study on this very point.) **Regnerus found that family instability was very common with same sex parents especially lesbian. This study claims that "family cohesion" in these same sex "families" is significantly better than in the general population of families. But this is inconsistent with the fact that for about 30% of the children in the study the "index parent" was not in the same relationship at the time of the study as at the time the child was born, fostered or adopted.** And as half of the children were still very young the study doesn't tell how stable those "families" are.