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Tuesday 4 October 2016

To the Committee

**Submission re Queensland Adoption and Other Legislation Amendment Bill 2016**

Thank you for the opportunity to provide a submission regarding the Adoption and Other Legislation Amendment Bill ('the Bill').

In this submission, I will focus on one aspect of this legislation – the proposed reform to allow same-sex couples to adopt children.

This reform is outlined in clause 13 of the Bill, which would amend section 76 of the *Adoption Act 2009* to remove the requirement that a person expressing an interest in being assessed for suitability as an adoptive parent has a spouse, and that their spouse is not of the same gender as themselves.

I strongly support this reform, for two reasons.

First, it removes unjustifiable discrimination against lesbian, gay, bisexual, transgender and intersex people.

The overwhelming majority of credible research shows that children raised in same-sex parented families are as healthy, and as happy, as those raised by mixed-sex couples.

As Deborah Dempsey found in the 2013 research paper "Same-sex parented families in Australia"<sup>i</sup>:

"[o]verall, research to date considerably challenges the point of view that same-sex parented families are harmful to children. Children in such families do as well emotionally, socially and educationally as their peers from heterosexual couple families".

This conclusion was supported by research in the following year, by Dr Simon Crouch and others, that:

"children with same-sex attracted parents in Australia are being raised in a diverse range of family types. These children are faring well on most measures of

child health and wellbeing, and demonstrate higher levels of family cohesion than population samples.”<sup>ii</sup>

These findings accord with reputable studies from overseas, with evidence consistently revealing that children from same-sex parented families experience the same levels of physical and mental health as their peers, if not better.

Based on this research, continuing to impose legal criteria that restricts prospective adoptive parents to those who have a spouse of a different gender, can be seen for what it really is – discrimination against LGBTI people that is both unnecessary, and completely without foundation.

It is time such discrimination was removed from the statute book, and I am grateful that the Bill will accomplish this.

Second, and even more importantly, removing this discrimination is in the best interests of children because it will help ensure an adopted child has the best possible adoptive parents.

As the research demonstrates, parenting ability has nothing whatsoever to do with sexual orientation, gender identity or intersex status.

Some cisgender heterosexual people make wonderful parents, while others do not. The same is undoubtedly true of members of the LGBTI community.

But to determine that *only* people who are in mixed-gender relationships may apply to become adoptive parents, while the LGBTI people who would make wonderful parents may not, carries with it the inherent risk that a child misses out on being adopted by more suitable parents solely because past Queensland Parliaments have determined that those people do not have the ‘right’ sexual orientation, gender identity or sex.

After all, it is only logical that, if the pool of prospective adoptive parents is reduced because of irrelevant criteria, the overall depth and quality of that pool is diminished.

Indeed, this argument was explicitly acknowledged in the second reading speech by Minister Fentiman, who noted that:

“[t]he bill recognises the need to provide fairness and equity and amends eligibility criteria to enable same-sex couples, single people and people undergoing fertility treatment to adopt a child. This will result in a broader and more flexible pool of people from which to select for assessment as suitable adoptive parents. Importantly, this change will mean more options will be available for matching a child to prospective adoptive parents who will best meet the child’s individual needs.”

On the basis of the above two reasons – that the Bill will remove unjust discrimination against LGBTI people, and that the proposed changes are in the

best interests of children who are adopted – I urge the Committee to recommend that the Adoption and Other Legislation Amendment Bill 2016 be passed.

Ultimately, I call on the Queensland Parliament to support this reform as a matter of priority, thus recognising the diversity of modern families, and ensuring that they are treated equally under the law.

Thank you again for the opportunity to provide a submission on this important Bill. Should the Committee want any additional information, or wish to clarify any of the above, I can be contacted at the details provided below.

Sincerely

Alastair Lawrie



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<sup>i</sup> Dempsey, D, “Same-sex parented families in Australia”, *Child Family Community Australia*, Research Paper No. 18, 2013.

<sup>ii</sup> Crouch, S, Waters, E McNair, R, Power, J, Davis, E, “Parent-reported measures of child health and wellbeing in same-sex parented families: a cross-sectional survey”, *BMC Public Health*, 21 June 2014.