



Our ref: BNE0144512

4 October 2016

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

Dear Sir/Madam

Adoption and Other Legislation Amendment Bill 2016

Thank you for the opportunity to comment on the Adoption and Other Legislation Amendment Bill 2016 introduced into the Queensland Parliament on 14 September 2016, by the Hon Shannon Fentiman MP, Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence.

The *Anti-Discrimination Act 1991* prohibits discrimination on the basis of sexuality, which is defined as meaning heterosexuality, homosexuality and bisexuality.

The current *Adoption Act 2009* specifically overrides the *Anti-Discrimination Act 1991*.^[1] In 2016 this type of provision is anachronistic and unreasonably discriminatory. Same-sex couples can apply for adoption in New South Wales, the ACT, Tasmania and Western Australia. South Australia and Victoria are currently reviewing their legislation, specifically addressing the issue of amending eligibility criteria to allow adoption by same-sex couples.

The main object of the *Adoption Act 2009* is to provide for adoption of children in Queensland in a way that promotes the wellbeing and best interests of adopted persons throughout their lives. The wellbeing and best interests of an adopted child, both through childhood and the rest of his or her life, are paramount.

Prospective adoptive parents being a same-sex couple is not inconsistent with the objects of the legislation and principles for its application. A person's sexuality should be an irrelevant consideration in assessing their suitability as an adoptive parent. There is no credible evidence that same-sex adoption has any detriment or adverse impact on the best interests of the child. Therefore, in accordance with anti-discrimination principles, there is no reason why same-sex couples should not be allowed to adopt on the same guidelines as opposite-sex couples.

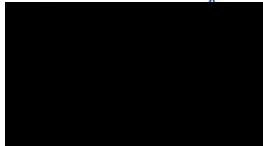
Section 76 of the *Adoption Act* provides eligibility criteria for persons who may have their names entered and remain in the expression of interest register. The expression of interest register is a list of eligible persons who have expressed interest in being assessed for suitability as an adoptive parent. The *Adoption Act* currently includes the requirement that the person has a spouse, and the person's spouse is not the same gender.

^[1] *Adoption Act 2009*, section 8.

The Bill before Parliament broadens the eligibility criteria to allow same-sex couples, as well as single persons to have their names entered and remain in the expression of interest register.

For the reasons outlined above, the ADCQ supports the broadening of the eligibility criteria in the manner proposed in the Bill.

Yours sincerely



KEVIN COCKS AM
Anti-Discrimination Commissioner
Queensland