

4 October 2016

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

Email: hcdfsdfvpc@parliament.qld.gov.au

Dear Director,

Submission on the *Health and Other Legislation Amendment Bill 2016* (Qld)

Thank you for the opportunity to provide a submission on the *Adoption and Other Legislation Amendment Bill 2016* (Qld) ('**Bill**').

We fully support the Bill's amendment of the *Adoption Act 2009* (Qld) ('**Adoption Act**') to allow same-sex couples to adopt.

We have reviewed the proposed amendments to the legislation listed in Schedule 1 of the Bill. We agree that the proposed amendments appropriately omit or amend all references to the former gender requirements of adoptive parents. As such, we support the proposed drafting. We also consider that all necessary amendments to associated legislation have been appropriately identified and addressed in the Bill.

The LGBTI Legal Service continues to believe that the gender requirement in adoptions laws in Queensland discriminate against LGBTI couples, and causes them emotional and legal pain. Further, we consider that the changing views of Queenslanders to accept more modern ideas of the family and the willingness of surrogacy and adoption services to allow LGBTI families to adopt as evidence of the need for change.

Retention of current adoption laws achieves no positive practical policy outcomes, and will only continue to unfairly treat LGBTI families looking to adopt a child in need as different than those of their heterosexual peers. The retention of the law, in the absence of any real need, means children are potentially missing out on a family. This has a material detrimental impact on LGBTI couples, including emotional and legal difficulties when trying to adopt the biological child of their partner. The Queensland Parliament's proposed abolition of this unequal law represents significant progress towards equal legal treatment of couples - and all members of the LGBTI community - in Queensland.

We appreciate the Parliament's acknowledgement that language within legislation plays an important role in defining social values and community acceptance of LGBTI people. As previously raised by the LGBTI

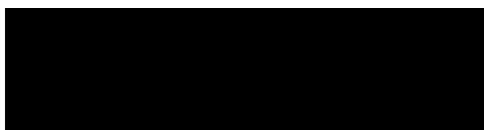
Legal Service, the specific wording, 'a partner of the opposite sex', has overtones of moral condemnation and carries negative connotations. As such, we strongly support the Parliament's proposed amendments to remove all references to the opposite sex requirement in Queensland's law, and agree that any necessary references to adoption requirements should be made using more appropriate gender neutral language. As such, the LGBTI Legal Service fully supports the proposed replacement of the words 'he' or 'she' with 'party' or 'person' within the legislation.

We specifically note that the increase over the last few years of one member of a couple having a biological child and the partner not being able to adopt emphasises the need to provide children with family security. However, this activity is inhibited by the retention of the unfair adoption laws. The rights of the child are a premier concern for Australia and by inhibiting parents to legally adopt their own children these rights are being infringed. We strongly support the Parliament's action to rectify these policy outcomes and create a safer environment for LGBTI families in Queensland and to allow them to provide legal and emotional certainty to their children.

We note that many laws continue to exist that marginalise or discriminate against same-sex couples, most notably the lack of Federal recognition of marriage between same-sex couples. It is important that law-makers continue to identify areas of the law which require amendment, in order to ensure that the law treats all Queenslanders equally. We continue to welcome this Government's support of the LGBTI community in Queensland, and sincerely hope that this legislation forms part of an ongoing commitment to the equality of LGBTI people in Queensland.

We commend the Queensland Parliament for taking this important step in recognising the importance of equality before the law and correcting the discrimination faced by LGBTI families who have suffered under this law. We are proud to see that Queensland is addressing the injustices faced by the LGBTI community, and we believe that continuing to do so by passing this Bill will only serve to enhance the community spirit and make Queensland a better, more equal and inclusive place to live.

Yours faithfully,



Mr Thomas Clark
Director of Law Reform
LGBTI Legal Service Inc.