



Rainbow Territory

Submission to Adoption of Children Legislation Amendment (Equality) Bill 2017

Rainbow Territory aims to create a safer, fairer and a more inclusive Northern Territory

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www.outnt.info/rainbowterritory/

About Rainbow Territory

Formed in September 2014, Rainbow Territory is an unfunded community group that advocates for the human rights of Northern Territorians who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual ('LGBTQIA'). We aim to develop a safer, fairer and more inclusive Northern Territory ('NT') through law and policy reform efforts and by increasing community visibility and connectedness.

Rainbow Territory does not speak on behalf of the entire LGBTQIA+ NT community, only on behalf of members and supporters of our group. In relation to any proposals for reform relating to intersex status and gender identity, we strongly recommend that the Northern Territory Government actively seek out the input of intersex and gender identity peak bodies, organisations, advocates and those who are intersex and gender diverse both within the NT and interstate.

Our position

We welcome the opportunity to provide a submission to the Department of the Attorney-General and Justice in response to the proposed amendments. We commend the Labor government for following through with their election to commitment to support changes to adoption laws to enable same sex and gender diverse couples to adopt, including step parents, bringing us in line with all other Australian jurisdictions, and to the Country Liberals opposition for its bipartisan support. We consider that the Bill in its current form adequately meets the desired purpose of equality.

The Northern Territory has for too long lagged behind our jurisdictional counterparts in affording de facto couples the same rights as married couples. The proposed reforms will enable children who are part of family unit to be formally recognised as a family member, thus strengthening their bond with family and forging an identity that promotes their best interests. Practically, adoptive parents are able to make important decisions to promote care and welfare of their children including for example, determining medical treatment and the removal of impediments to families wanting to travel interstate/ overseas with children.

The proposed legislation also recognises the diversity in family units across the Territory. Adoption is not commonly accessed in the Northern Territory or across Australia, partially due to the complexity of the system and the differing rules across Australia. Families may instead seek parenting orders in the Federal Circuit of Australia to have their rights recognised whilst acknowledging the biological parents of children, or have Territory Families retain parental responsibility of children and care for them as 'foster carers'. However, for some children, there comes a point where they have lost any meaningful relationship with one/ both of their biological parents or their biological parents consider that it is in a child's best interests to have their guardians recognised as their parents, who provide for their day to day care and welfare and are best placed to continue doing so without the support of Territory Families. For children who have never known their biological parents, adoption can be the only mechanism they have to gain the love, nurture and support of a family (for example, international adoption). It is in these relatively uncommon circumstances that adoption is best-suited.

By extending the definition of couples eligible to adopt, children have a better chance of being placed with the right family for them. Importantly, the process of adoption will continue to be as rigorous and thorough as ever, ensuring there are adequate safeguards in place to promote the well-being and safety of children.

Several Australian Law Reform Commissions have undertaken studies into same sex adoption. The crux of their conclusions is clear- *“there is simply no credible evidence that (same-sex) relationships cause harm to the intellectual, emotional, psychological or sexual development of children by virtue of the sexuality of their parents.”*¹ Excluding same-sex adoptions on the basis of sexuality is a breach of Article 21 of the *Convention on the Rights of the Child*.² There is no legitimate basis to deny children the right to be adopted by a de facto couple, whatever their make-up may be.

Should you have any queries in relation to this submission, please do not hesitate to contact us.

Yours Sincerely,

Rainbow Territory

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¹ Victorian Law Reform Commission, *The Convention on the Rights of the Child: The Rights and Best Interests of Children Conceived Through Assisted Reproduction* <http://www.lawreform.vic.gov.au/sites/default/files/Tobin%2Bpaper%2BFINAL.pdf>

² Australian Human Rights Commission, *Same-Sex: Same Entitlements Report* <https://www.humanrights.gov.au/publications/same-sex-same-entitlements-chapter-5>