



**Submission to the
Department for Education and Child Development's discussion paper
*Review of the South Australian Adoption Act 1988 and Adoption Regulations 2004***

March 2015

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Executive Summary

The Australian Christian Lobby (ACL) welcomes this opportunity to make a submission on the *Adoption Act 1988* and *Adoption Regulations 2004*.

The first part of this submission canvasses some of the evidence showing that the best interests of children are best met by ensuring they are, wherever possible, raised by a mother and a father. Accordingly, ACL opposes any amendments to the *Adoption Act* and *Adoption Regulations* allowing same-sex couples to adopt.

The second part of this submission makes some further comments applicable in the event that the *Adoption Act 1988* is amended. If it is, there should be robust protections for adoption agencies to act in good faith in meeting the best interests of children. There should also be protections for any parents who are giving their children up for adoption. The necessary requirements are discussed, with a particular focus on the experience in NSW when that state amended its adoption laws to allow same-sex couples to adopt.

Introduction

ACL commends Minister Rankine for emphasising that the key principle underpinning this review must be the best interests of the child. As the Minister notes, section 7(a) of the *Adoption Act* (AA) states:

In all proceedings under this Act, the welfare of the child to whom the proceedings relate must be regarded as the paramount consideration.

This is an internationally supported principle. The UN *Convention on the Rights of the Child* states in Article 3:

*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*¹

The Convention later repeats this principle in the specific context of adoption.²

This principle is also reflected in Australian law, such as the *Family Law Act 1975*.³

ACL also notes the Minister's comments that, although "the needs and wishes of those seeking to adopt children" are important, "the best interests of and the long-term consequences for children placed by the State must be the main consideration."⁴

This is an important distinction. The needs and wishes of adults wishing to adopt are important, but the right to children does not trump the rights of children. Adoption should always place children in the best situation possible, and whenever possible should replicate the ideal family environment.

¹Article 3(1), *Convention on the Rights of the Child*.

²Ibid, Article 21.

³See sections 60CA, 65AA, 67V, 67L, *Family Law Act 1975*.

⁴Department of Education and Child Development (2015), 'Review of the South Australian *Adoption Act 1988* and *Adoption Regulations 2004*', p 2.

The weight of social science research suggests that children do best when raised by their biological mother and father, all else being equal. However, this is clearly not always possible or desirable, which is why adoption is such an important part of a well-functioning society.

In cases where parents die or are unable or unwilling to raise their children, the ideal is to place those children in an environment which most closely resembles that of the natural family of biological mother and father. This is why adoption laws have historically favoured married couples. This provides not only an adoptive mother and father for the child, but also the stability of a committed marriage.

It is in the best interests of children in South Australia that children needing to be adopted continue to be placed in homes with a mother and a father. This comes as close as possible to the ideal of a child being raised by his or her married biological parents.

ACL acknowledges that there are same-sex couples who care for children. They are loving and committed to the children they are raising. ACL's position is not a statement about the capacity of people in same-sex relationships to love and raise children. But regardless of their abilities to love and raise children, two men cannot provide a mother to a child, and two women cannot provide a father.

Men and women provide unique and complementary roles as parents to children, and it is this ideal which can and should be maintained in adoption laws.

The importance of mothers and fathers

Social science shows the benefits to children of being raised by their married, biological parents. See, for example, Professor Patrick Parkinson's 2011 study *For Kids' Sake*. Parkinson discusses the research and notes that the "overwhelming evidence... is that children do best in two-parent married families".⁵

The evidence does not support the claims some make that there is "no difference" between same-sex parenting and mother-father parenting. As Professor Tom Frame states in his book:

*there is no substantial body of evidence supporting the claim that same-sex couples are just as effective as heterosexual couples with respect to a range of measures over a longer period of time. Same-sex parenting is a recent phenomenon. It is still untried and untested in all respects that are relevant to the care and nurture of children.*⁶

But although the research emphasises the benefits of homes with married *biological* parents, it also demonstrates the advantages of being raised by a mother and father rather than by two people of the same sex. It is clear that men and women provide unique, complementary roles, both important in the development of children, and that it is the presence of both a mother and a father that is of most benefit for children.

Recently, Paul Sullins published an analysis of over 500 children of same-sex parents from a pool of over 200,000 respondents to the National Health Interview Survey, conducted between 1997 and

⁵ Professor Patrick Parkinson (July 2011), *For Kids' Sake: Repairing the Social Environment for Australian Children and Young People*, The University of Sydney, p 48. Emphasis added.

⁶ Tom Frame (2008), *Children on Demand: The Ethics of Defying Nature*, University of New South Wales Press, p 101.

2013. The children of same-sex parents were at a disadvantage on eight out of 12 psychometric measures compared with those of opposite-sex parents.⁷ Sullins concluded that the “no-difference hypothesis should be rejected”, saying:

*Intact opposite-sex marriage ensures children of the persistent presence of their joint biological parents; same-sex marriage ensures the opposite.*⁸

This follows a 2012 study by Mark Regnerus which found that children from same-sex headed households performed poorly on nearly every measure compared with those growing up with opposite-sex parents.⁹

The Sullins and Regnerus studies were significant because of the large representative probability samples. Previous studies suggesting “no difference” in outcomes for children of same-sex and opposite-sex parents have been small, non-random, or flawed in other significant ways, as demonstrated by Loren Marks in his 2012 analysis.¹⁰

Sociologist David Popenoe has commented that:

*We should disavow the notion that “mommies can make good daddies,” just as we should disavow the popular notion... that “daddies can make good mommies.”... The two sexes are different to the core, and each is necessary – culturally and biologically – for the optimal development of a human being.*¹¹

Grossmann et al, writing in the journal *Social Development*, find that “both parents shape their children’s psychological security but each in his or her unique way”.¹² They explain:

*mothers’ longitudinal influence seem to rest on their functioning as a haven of safety and a secure base from which to explore. In contrast, fathers’ formative influence was found in their functioning as a sensitive, supporting, and gently challenging companion during exploration “out there”.*¹³

The importance of fathers

The importance of fathers to both their sons and their daughters is well known. While both mothers and fathers are important to their children, the effects of fatherlessness have been more extensively studied because it is a much more widespread problem. If one parent is absent, it is usually the father.

⁷ D Paul Sullins (2015), *Emotional Problems among Children with Same-sex Parents: Difference by Definition*, British Journal of Education, Society and Behavioural Science 7(2):99-120.

⁸ Ibid, p 100.

⁹ Mark Regnerus (2012), ‘How different are the adult children of parents who have same-sex relationships? Findings from the New Family Structures Study’, *Social Science Research*, 41 (2012) 752-770.

¹⁰ Loren Marks (2012), ‘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*, 41 (2012) 735-751.

¹¹ David Popenoe (1996), *Life Without Father: Compelling New Evidence That Fatherhood and Marriage are Indispensable of the Good of Children and Society*, New York, The Free Press, p 197. Cited in Ryan T Anderson (March 11, 2013), *Marriage: What It Is, Why It Matters, and the Consequences of Redefining It*, <http://www.heritage.org/research/reports/2013/03/marriage-what-it-is-why-it-matters-and-the-consequences-of-redefining-it>.

¹² Karin Grossmann, Klaus E Grossmann, Elisabeth Fremmer-Bombik, Heinz Kindler, Hermann Scheuerer-Englisch, and Peter Zimmerman (2002), *The Uniqueness of the Child-Father Attachment Relationship: Fathers’ Sensitive and Challenging Play as a Pivotal Variable in a 16-year Longitudinal Study*, *Social Development*, 11, 3.

¹³ Ibid, p 327.

Fatherlessness is rightly regarded as a significant problem in society. US President Barack Obama, who himself grew up without a father, has commented that there is “a particular problem when more than half of African American children are growing up without a father in the house, and oftentimes not even knowing their father”.¹⁴

The particular importance that fathers have on their children’s development has been emphatically reinforced by social science. Conversely, since the absence of fathers has become a widespread social problem, studies show many negative outcomes for children who grow up without their biological father present, with one study saying “father love is the sole significant predictor of specific outcomes after controlling for the influence of mother love”.¹⁵

Coleman and Garfield state in *Pediatrics* “father involvement is of a different nature than mother involvement”.¹⁶ Fathers spend more time “playing with their children”, “engage in more tactile and stimulating activities” when they are young, and in “more recreational activities such as walks and outings as well as private talks” when they are in middle school.¹⁷ A father has a strong influence on their child’s gender role development and provides an “important role [model] for both girls and boys”.¹⁸ Fathers, as “teachers, disciplinarians, and role models” impart to children “what they need to know for life-survival skills and for school learning”.¹⁹

In the *Review of General Psychology*, Rohner and Veneziano review evidence from various types of studies that “[show] the powerful influence of fathers’ love on children’s and young adults’ social, emotional, and cognitive development and functioning”.²⁰ They find that “father love” is “as heavily implicated as mother love” in children’s “psychological well-being and health [and] an array of psychological and behavioral problems”.²¹

Even though fathers generally spend less time with their children than mothers, the time they do spend is “independently associated with improved academic performance”, and children who perceive their fathers as encouraging and involved “have higher college entrance examination scores, reach higher economic and educational attainment, show less delinquent behavior, and possess greater psychologic well-being”.²² They also have a “stronger sense of social competence” and “fewer depressive symptoms”.²³

The importance of fathers for girls

Fathers play an essential role in the development of both boys and girls, but in different ways.

Father absence is associated with alarming outcomes for girls, including “early sexual activity, teenage pregnancy, behavioural difficulties and life adversity”.²⁴ Other negative outcomes include poor academic performance and lower self-esteem.²⁵ In one Australian study, participants reported difficulties in relating to men, including distrust and fear of abandonment, while also revealing “a

¹⁴ Perry Bacon (July 13, 2008), ‘Obama Vows to Keep Talking About Fatherlessness’, *Washington Post*, <http://voices.washingtonpost.com/44/2008/07/obama-vows-to-keep-talking-abo.html>.

¹⁵ Ronald P Rohner and Robert A Veneziano (December, 2001), *The Importance of Father Love: History and Contemporary Evidence*, *Review of General Psychology*, Volume 5(4).

¹⁶ William L Coleman, Craig Garfield, Committee on Psychosocial Aspects of Child and Family Health (May 1, 2004), *Fathers and Pediatricians: Enhancing Men’s Roles in the Care and Development of Their Children*, *Pediatrics*, Vol 113 No 5, pp 1406-1411.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Rohner and Veneziano, above n 14.

²¹ Ibid.

²² Coleman and Garfield (May 1, 2004), *Fathers and Pediatricians*.

²³ Ibid.

²⁴ Leah East, Debra Jackson, Louise O’Brien (January, 2007), ‘I Don’t Want to Hate Him Forever’: *Understanding Daughter’s Experiences of Father Absence*, *Australian Journal of Advanced Nursing*, Vol 24 No 4, pp 14-18, 14.

²⁵ Ibid, p 14.

sense of ‘craving’ male attention and male affection”. These problems were associated with father absence and lack of father affection.²⁶

The experiences

The research makes clear that children benefit from a mother and a father.

But this is more than theory. The experiences of many people, now adults, who were raised by same-sex couples affirms what the research says. There is real hurt carried by people who had something profound missing in their childhood.

Four such adults have filed *amicus curiae* briefs in *De Leon v Perry*, a federal court case in the US.

Katy Faust²⁷ was raised by her mother and her mother’s lesbian partner. In an “open letter” to the Supreme Court, Faust speaks of her love for her mother and her mother’s partner but relates the pain caused by her parents’ divorce and by the “missing parent” in her life. Her words are worth repeating at length:

I am not saying that being same-sex attracted makes one incapable of parenting. My mother was an exceptional parent, and much of what I do well as a mother is a reflection of how she loved and nurtured me. This is about the missing parent.

Talk to any child with gay parents, especially those old enough to reflect on their experiences. If you ask a child raised by a lesbian couple if they love their two moms, you’ll probably get a resounding “yes!” Ask about their father, and you are in for either painful silence, a confession of gut-wrenching longing, or the recognition that they have a father that they wish they could see more often. The one thing you will not hear is indifference.

*...We are made to know, and be known by, both of our parents. **When one is absent, that absence leaves a lifelong gaping wound.***²⁸

Robert Oscar Lopez bases his opposition to same-sex parenting on his experience as a scholar who has compiled the testimonials of people raised by same-sex couples.²⁹ He was also brought up by his mother and his mother’s lesbian partner, an environment which caused great confusion and difficulty in his childhood and into his adulthood.³⁰ Lopez has written extensively about his experience and those of other children of same-sex couples. He writes:

[children of same-sex couples] described emotional hardships that came from lacking a mom or a dad. To give a few examples: they feel disconnected from the gender cues of people around them... wish they had had a role model of the opposite sex, and feel shame or guilt for resenting their loving parents for forcing them into a lifelong situation lacking a parent of one sex.

²⁶ Ibid, p 16.

²⁷ See Katy Faust, ‘Brief of *Amicus Curiae* Katy Faust Supporting Defendants-Appellants and Supporting Reversal’, Submission in *De Leon v Perry*, No 5:13-cv-982.

²⁸ Katy Faust (February 2, 2015), ‘Dear Justice Kennedy: An Open Letter from the Child of a Loving Gay Parent’, *Public Discourse*, <http://www.thepublicdiscourse.com/2015/02/14370/>. Emphasis added.

²⁹ See Robert Oscar Lopez, ‘Brief of *Amicus Curiae* Robert Oscar Lopez Supporting Defendants-Appellants and Supporting Reversal’, Submission in *De Leon v Perry*, No 5:13-cv-982.

³⁰ See Robert Oscar Lopez (August 6, 2012), ‘Growing Up With Two Moms: The Untold Children’s View’, *Public Discourse*, <http://www.thepublicdiscourse.com/2012/08/6065/>.

*...The richest and most successful same-sex couple still cannot provide a child something that the poorest and most struggling spouses can provide: a mom and a dad.*³¹

BN Klein is the third person filing an *amicus curiae* brief in the US case.³² She has worked with Lopez in archiving the testimonials of other people raised in “unusual family structures”. Raised by her mother and her mother’s lesbian partners, Klein writes that she has seen “children in gay households often become props to be publically displayed to prove that gay families are just like heterosexual ones”. She also states:

*I had no idea what the daily interaction between a husband and wife looked like. I had no idea how two heterosexuals behaved toward their children as mother and father.*³³

The fourth person who filed an *amicus curiae* brief was Dawn Stefanowicz,³⁴ who was raised by her father and his same-sex partners for 30 years. Like Lopez and Klein, Stefanowicz has also had extensive communication with adult children of same-sex parents.

Stefanowicz’ perspective as a girl growing up with a homosexual father is revealing:

*For a little girl to grow up in a gay home and GLBT subcultures damages her sense of femininity and budding womanhood. Women are not the primary recipients of love and kindness; male and female are not considered equal and necessary.*³⁵

The lack of diversity, of equality between the sexes, means that girls with male same-sex parents have no woman to model womanhood, and no model of the love most women seek for from men.

A final example of the experience of children of same-sex parents is Heather Barwick.

Barwick was raised by her mother and mother’s lesbian partner. She says she feels like “gay people are *my* people... I love you, so much.” Nevertheless, she has recently changed her position on same-sex parenting:

Growing up, and even into my 20s, I supported and advocated for gay marriage. It’s only with some time and distance from my childhood that I’m able to reflect on my experiences and recognize the long-term consequences that same-sex parenting had on me. And it’s only now, as I watch my children loving and being loved by their father each day, that I can see the beauty and wisdom in traditional marriage and parenting.

*Same-sex marriage and parenting withholds either a mother or father from a child while telling him or her that it doesn’t matter. That it’s all the same. **But it’s not.** A lot of us, a lot of your kids, **are hurting.***³⁶

³¹ Robert Oscar Lopez (May 2, 2013), ‘Justice Kennedy’s 40,000 Children’, *Public Discourse*, <http://www.thepublicdiscourse.com/2013/05/10034/>.

³² See BN Klein, ‘Brief of Amicus Curiae BN Klein Supporting Defendants-Appellants and Supporting Reversal’, Submission in *De Leon v Perry*, No 5:13-cv-982.

³³ Ibid.

³⁴ See Dawn Stefanowicz, ‘Brief of Amicus Curiae Dawn Stefanowicz Supporting Defendants-Appellants and Supporting Reversal’, Submission in *De Leon v Perry*, No 5:13-cv-982.

³⁵ Ibid, p 5.

³⁶ Heather Barwick (March 17, 2015), ‘Dear Gay Community: Your Kids Are Hurting’, *The Federalist*, <http://thefederalist.com/2015/03/17/dear-gay-community-your-kids-are-hurting/>. Emphasis added.

Barwick says she loved her mother's partner, but that she "could never have replaced the father I lost":

My father's absence created a huge hole in me, and I ached every day for a dad... I grew up surrounded by women who said they didn't need or want a man. Yet, as a little girl, I so desperately wanted a daddy. It is a strange and confusing thing to walk around with this deep-down unquenchable ache for a father, for a man, in a community that says that men are unnecessary.³⁷

Douglas Mainwaring, who did not grow up with same-sex parents but is himself same-sex attracted, tells his story of same-sex attraction, then an opposite-sex marriage with children, then divorce and same-sex relationships, and then reconciling with his ex-wife and reuniting his family. Recounting an incident in which he saw his 16-year-old son stoop to kiss his mother, he comments:

With two dads in the house, this little moment of warmth and tenderness would never have occurred. My varsity-track-and-football-playing son and I can give each other a bear hug or a pat on the back, but the kiss thing is never going to happen.³⁸

He adds:

To be fully formed, children need to be free to generously receive from and express affection to parents of both genders. Genderless marriages deny this fullness.³⁹

The implication, of course, is that genderless parenting also denies this fullness.

One thing these testimonies have in common in addition to the pain, confusion, and longing that growing up without either a mother or father has caused them is the difficulty in being open about this. Barwick says

There are so many of us. Many of us are too scared to speak up and tell you about our hurt and pain, because for whatever reason it feels like you're not listening. That you don't want to hear. If we say we are hurting because we were raised by same-sex parents, we are either ignored or labeled a hater.

This isn't about hate at all.⁴⁰

The *amicus curiae* briefs related similar fears or difficulties speaking up, due to both the desire not to jeopardise their relationships with their parents and to the danger of being labelled "bigot" or "hater" by many same-sex parenting advocates.⁴¹

The importance of fathers and mothers: conclusion

In 2009, the Parenting Research Centre produced a report commissioned by the Victorian Labor Government as part of its commitment to provide support to parents through its *Blueprint for*

³⁷ Ibid.

³⁸ Douglas Mainwaring (March 8, 2013), 'I'm Gay and I Oppose Same-Sex Marriage', *Public Discourse*, <http://www.thepublicdiscourse.com/2013/03/9432/>.

³⁹ Ibid.

⁴⁰ Barwick, above n 35.

⁴¹ See Faust, above n 26, pp 2-4; Stefanowicz, above n 33, pp 7, 10; Lopez, above n 28, pp 8-10. Klein's whole testimony (above n 31) detailed the pressure she had to conform to and affirm LGBT culture.

Education and Early Childhood Development. The then Minister for Children and Early Childhood Development, Maxine Morand, commended the report, titled *Fathers Matter*.⁴²

The report strongly emphasises the importance of fathers to their children, stating:

*Fathers often underestimate how important they are to their children. You might think that a mother has the key role when it comes to a child's development, especially in the formative early years. But you would be wrong. Fathers are just as important as mothers.*⁴³

The report notes that even though fathers are “more similar than dissimilar” to mothers, there are important differences. Fathering is irreplaceable, because as the report says, “only fathers father”.⁴⁴

This argument is not intended to suggest that same-sex couples and single parents with children cannot provide adequate love and commitment for their children. It is simply to emphasise that the ideal environment for nurturing and raising children is one with *both* a mother *and* a father. As Frame says:

*There are some contributions that are necessary for a child's nurture that flow from femininity and others from masculinity. The critical issue is not, therefore, whether homosexuals or lesbians have the capacity to be loving and caring parents. It is the belief that same-sex couples cannot provide for a child's need to experience both male and female parental love.*⁴⁵

Where there is a choice, a child should be given the benefits of both. The adoption system provides that choice, and should continue to provide the benefits of mothers and fathers in the best interests of the children it serves.

Freedom of conscience and religion

ACL opposes amending the *Adoption Act 1988* to allow two men or two women to adopt children. ACL also opposes amending the Act to allow single people to adopt children except in special circumstances. As detailed above, this ignores the best interests of children and violates their right to be raised by a mother and father.

In the event that changes are made to the *Adoption Act*, it is essential that adoption agencies are permitted the liberty to continue to operate in the way they deem most in accordance with the best interests of the child. Similarly, parents who may be giving up their children to adoption must have their rights and preferences respected. Agencies, particularly faith-based agencies, which choose to place children with opposite-sex parents must have this choice protected in the Act. Parents who want their children to be adopted by a mother and a father must have this preference respected and protected in law.

The intent of faith-based agencies who preference opposite-sex couples for adoption is in good faith and in accordance with their religious principles and the best interests of children. On that basis, in order to protect the fundamental freedoms of conscience and religion, the freedom of faith-based agencies to operate in this way should be protected in law.

⁴² Parenting Research Centre (2009), *Fathers Matter*, p 2.

⁴³ *Ibid*, p 3.

⁴⁴ *Ibid*.

⁴⁵ Frame (2008), *Children on Demand*, p 101.

Failing to protect these freedoms will likely result in faith-based adoption agencies ceasing adoption services and exiting the field. This has occurred in overseas jurisdictions. For example, Catholic Charities in the US had to close its adoption services in Massachusetts⁴⁶ and Illinois,⁴⁷ while Catholic Care in the UK, after a long court battle, is one of several adoption agencies that have been forced to close.⁴⁸

Currently, Victoria is reviewing its *Adoption Act 1984*. A prominent faith-based adoption service, CatholicCare, has stated it may be forced to cease adoption services if Victoria's *Equal Opportunity Act 2010* is not amended to protect their freedom to operate in good faith.

Other states

When New South Wales amended its *Adoption Act 2000* to allow same-sex couples to adopt children, amendments were also made to ensure that faith-based organisations retained the freedom to place children with married families in accordance with its practice. Section 59A of the *Anti-Discrimination Act 1977* was inserted to this end. Clover Moore, who sponsored the bill, added the anti-discrimination amendments⁴⁹ after adoption agencies Anglicare⁵⁰ and CatholicCare⁵¹ indicated they may have had to cease its adoption services if they were forced to place children with same-sex couples or risk being sued.

When WA introduced same-sex adoption, it also amended its *Equal Opportunity Act 1984*, effectively allowing faith-based adoption agencies to continue to operate in good faith.⁵²

South Australia

South Australia's *Equal Opportunity Act 1984* should be amended to clarify that faith-based adoption agencies can continue to act in good faith in the placement of children with adoptive parents. The NSW *Anti-Discrimination Act 1977* should be used as a model, with a section similar to s59A of that Act inserted in Part 3 of the South Australian Act. For example, a section 50A could be inserted, clarifying that a faith-based adoption agency requiring adoptive parents to be an opposite-sex couple does not constitute discrimination under the Act.

Parents whose children are being adopted should also have the right to indicate that they wish their children to be adopted by opposite-sex parents. A section, for example section 50B, should be inserted in Part 5 of the *Equal Opportunity Act 1984* to ensure this.

⁴⁶ Patricia Wen (11 March 2006), 'Catholic Charities stuns state, ends adoptions', *The Boston Globe*,

http://www.boston.com/news/local/articles/2006/03/11/catholic_charities_stuns_state_ends_adoptions/.

⁴⁷ Laurie Goodstein (29 December 2011), 'Illinois Catholic Charities close over adoption rule', *New York Times*, <http://www.bostonglobe.com/news/nation/2011/12/29/illinois-catholic-charities-close-rather-than-allow-same-sex-couples-adopt-children/Km9RBLkpKzABNLJbUGhvJM/story.html>.

⁴⁸ BBC (2 November 2012), 'Catholic Care loses gay adoption fight', *BBC*, <http://www.bbc.com/news/uk-england-leeds-20184133>.

⁴⁹ New South Wales, *Parliamentary Debates*, Legislative Assembly, 1 September 2010, p 25037, Clover Moore.

⁵⁰ ABC (7 August 2010), 'Anglicare flags withdrawal over gay adoption bill', *ABC*, <http://www.abc.net.au/news/2010-08-07/anglicare-flags-withdrawal-over-gay-adoption-bill/935728>.

⁵¹ Louise Hall (3 September 2010), 'Same-sex adoption bill passes House', *Sydney Morning Herald*, <http://www.smh.com.au/nsw/samesex-adoption-bill-passes-house-20100902-14rpt.html>.

⁵² The Act's definition of "services" excludes "the assessment of an application for suitability for adoptive parenthood, or the placement of a child for adoption or with a view to the child's adoption" under the *Adoption Act*, effectively allowing faith-based adoption agencies to only place children with a mother and father.

Conclusion

The *Adoption Act* should not be amended. In order to ensure that the adoption system in South Australia operates in the best interests of children, it is important that children are adopted by both a mother and a father. This arrangement comes the closest to replicating the ideal of a child being raised by his or her biological parents.

In the event that the *Adoption Act* is amended, adequate safeguards for freedom of conscience and religion should be included in the amendments. The *Equal Opportunity Act 1984* should be amended to ensure that faith-based adoption agencies and parents whose children are being adopted can require that such children are adopted by a mother and father. This serves not only the best interests of children but also upholds the fundamental rights of freedom of conscience and freedom of religion.

Yours sincerely

A handwritten signature in purple ink that reads "Daniel P. Flynn." The signature is written in a cursive style.

Dan Flynn
Acting South Australian Director
Australian Christian Lobby