

FACT SHEET

Adoption Amendment Bill 2013

Passage of the *Adoption Amendment Bill* will ensure that couples with a significant relationship registered under the *Relationships Act 2003* are eligible to be assessed for their suitability to adopt an unknown child.

The *International Covenant on Civil and Political Rights* prohibits discrimination in any law and in any field regulated by public authorities. In Tasmania, this is given effect by the *Anti-Discrimination Act 1998* which provides that it is unlawful to discriminate on the grounds of, among other things, sexual orientation, marital status and/or relationship status.

As currently drafted, the *Adoption Act 1988* (the Act) discriminates against both heterosexual and same-sex couples with a registered significant relationship who would like to be considered as prospective adoptive parents.

The effect of removal of current Section 20 (2A) of the Act will be to remove the discrimination against couples who are not married but who are in a significant relationship under the Relationships Act.

Section 20 specifies the persons in whose favour adoption orders may be made.

While Section 20 (1) allows the Court to grant an adoption order in favour of couples with a registered significant relationship, Section 20 (2A) limits the children who may be adopted.

The omission of Section 20 (2A) has the effect of removing the current requirement that at least one of the persons in whose favour an adoption order is made be known to the child.

Section 20 (3) is intended to provide that adoption orders should not be made in favour of people in existing parental relationship to a child, but the section does not currently provide for the circumstances of same sex female partners.

This is an oversight, as previous amendments to Section 29 (4A) of the Act have recognised where same-sex female partners would need to consent if they were relinquishing their child for adoption. This is consistent with such partners' position under the *Status of Children Act 1974*.

This amendment clarifies the issue by adding a reference to such a same-sex part female partner to Section 20 (3).