

# rainbow families council



[www.rainbowfamilies.org.au](http://www.rainbowfamilies.org.au)

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Love Makes a  
Family campaign

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**Attention:** Senator Lyn Allison, Senator for Victoria

## Submission to the Inquiry into the Provisions of the Same-Sex: Same Entitlements Bill 2007

I am writing on behalf of the Rainbow Families Council in Victoria.

### Background and Introductory Statements

Rainbow Families Council is a volunteer community organization working for same-sex parented families in Victoria. We bring together lesbian, gay, bisexual, transgender and intersex parenting groups, families, children's and family organisations and other allies.

Currently the Victorian government is considering a report of the Victorian Law Reform Commission (VLRC) into Access to Assisted Reproductive Technology and Surrogacy. The report highlights several anomalies in the current state law relating to access to services as well as legal parentage, adoption and surrogacy. Importantly, the Final Report also highlights the impact of both state and federal laws on the best interests and rights of children born into and living in same-sex parented families, where one or more parents are lesbian, gay, bisexual or transgender. We call these families "rainbow families".

One key issue acknowledged by the VLRC in the report, conducted over almost five years, was that the lack of consistency between state and federal laws put family stability in jeopardy, particularly in relation to the lack of clarity of the legal status of donors, and the privileging of biology over actual family relationships.

Thirty years of Australian and international scholarly research shows that children in rainbow families are in no way disadvantaged by their parents' gender or sexual identity. Their only disadvantage is social prejudice, which is reinforced and pandered to by discriminatory laws such as those highlighted in the HREOC "Same Sex: Same Entitlements" report.

Rainbow Families Council believe that an end to the discrimination faced by our children and our families will only be possible with federal law reform in combination with relevant state law reform. The recommendations made by HREOC in the "Same Sex –Same Entitlements" report to amend the required 58 pieces of federal legislation, thereby removing discrimination based on sexual orientation and relationship status, would have an enormous positive impact on the mental health and wellbeing of all members of rainbow families across Australia, particularly our children.

## **Principles of Federal law reform**

Rainbow Families Council believe that there are a number of key principles that must inform any consideration of reform:

- The rights, wellbeing and best interests of children must be paramount.
- There is a wide diversity of legitimate family structures in Australian society, including same-sex and single-parented families.
- Children have the right to equality under the law, whatever the structure of their family, sexual orientation of their parents, or method of their conception.
- All children have the right to know and be cared for by their parents, as recognised by the UN *Convention on the Rights of the Child* (the Convention does not define nor gender the term 'parents') and to have information about their biological origins.
- All children have the right to certainty about the legal status of their families, including parents, siblings, donors and extended family, and to protection of their family relationships.
- All parents should be subject to the usual parental responsibilities and obligations.
- Equality under the law is an important step towards greater social acceptance and equality. Both are essential to the wellbeing of all children, including children of rainbow families.
- Creating family is a deeply-felt human need, regardless of sexual orientation. Discriminatory laws do not stop people creating their families. They simply make it harder, and undermine the rights of children living in those families.
- All children living in rainbow families should enjoy the same legal protection for their family relationships as their siblings, regardless of the time, place or method of their conception.

Further, Rainbow Families Council argues that the cost of the implementation of any reforms that redress systemic discrimination against children and families should never be a deciding factor.

## **Additional Information supporting law reform**

The Rainbow Families Council has produced a comprehensive law reform information pack entitled "Love Makes A Family". It includes personal stories of both the impact of discrimination and the positive aspects of living in a rainbow family, summaries of research and community surveys, responses to frequently asked questions about our children and families and much more.

Although some of the content is specifically addressed to issues raised by state-based reform, many of the information sheets and family stories are relevant to this Inquiry. The Information sheets and family stories can be downloaded from [www.rainbowfamilies.org.au](http://www.rainbowfamilies.org.au). To find them, selection "campaigns" – on the right hand menu you will find "Information Pack" listed – click here and scroll down the list of information sheets. I suggest that the following information sheets will be of particular interest to the Inquiry:

- The Research says
- FAQ's
- But what about

I am happy to be contacted on behalf of the Rainbow Families Council "Love Makes A Family" campaign to discuss this submission further.

Yours sincerely

*Electronically signed*

Felicity Marlowe