**Same-sex adoption bill passes House**

**Louise Hall STATE POLITICS** *September 3, 2010* SMH

BIRTH parents who do not want their children to be adopted by a same-sex couple will be able to make their preference known without fear they will breach anti-discrimination laws by doing so.

A bill granting gay and lesbian couples the same rights under adoption law as homosexual individuals and heterosexual couples was passed narrowly by the NSW Legislative Assembly by a vote of 45 to 43 yesterday.

It will be considered by the Legislative Council next week, where the vote is expected to be similarly close.

Christian adoption agencies, which have lobbied strongly against the bill, welcomed the amendment to allow people involved in each case to freely express their preferences about prospective adoptive parents' faith, ethnicity, family situation and sexuality.

The Minister for Climate Change and the Environment, Frank Sartor, said the preference of birth parents would not be binding, but would be assessed against the best interest of the child.

''Why should not the values of the community, whether expressed by donor parents or service providers, be given their due consideration?'' he said.

''With four adoption service providers in NSW, persons wishing to provide their children for adoption, or to adopt children, will have adequate choice to meet their needs.''

The chief executive of Anglicare, Peter Kell, said while he was ''disappointed'' the bill had passed through the lower house, the decision to exempt adoption from anti-discrimination laws would allow the agency to continue providing infant adoptions in Sydney.

The independent MP Clover Moore had agreed on Tuesday to include a clause in the Adoption Act to allow church adoption agencies to refuse to provide services to gay and lesbian couples without breaching anti-discrimination laws.

''It means the faith-based organisations like us can continue to operate within our understanding of what is in the best interests of the child without fear of being sued,'' Mr Kell said.

The Bishop of Wollongong, Peter Ingham, said CatholicCare would also continue to provide adoption services. ''From our perspective these amendments provide greater certainty, thus enabling faith-based agencies to continue to provide this service,'' a spokesman for the bishop, Jude Hennessy, said.

Labor and the Coalition allowed their members a conscience vote. The Premier, Kristina Keneally, and the Opposition Leader, Barry O'Farrell, supported the bill.

MPs who voted in favour included the Deputy Premier, Carmel Tebbutt, the opposition health spokeswoman, Jillian Skinner, the Community Services Minister, Linda Burney, and her opposition counterpart, Pru Goward. The leader of the Nationals, Andrew Stoner, voted against, as did the shadow treasurer, Mike Baird, who said in future he might consider voting in favour of ''known'' adoptions, where the child already has a relationship with the parent.

''I am not convinced that the research before us justifies a move to legislate against the time-honoured practice of placing children with both a mother and a father,'' Mr Baird said.

The Benevolent Society charity and UnitingCare Burnside, one of the largest child agencies in NSW, supported the bill.