RECOGNISING SAME-SEX PARENTS

Bringing legitimacy to the law

JOHN TOBIN

Same-sex parented families are a permanent and increasingly prevalent feature of the Australian social landscape. Of the estimated 20,000 same-sex couples living together in 2001, approximately 20 per cent of lesbian couples and 5 per cent of gay male couples were living with children.[1] Only rarely, however, does this social reality coincide with the status of such families under the law. To varying degrees Western Australia, the ACT, Tasmania, and the Northern Territory all allow for some form of recognition and Victoria intends to do so.[2] In contrast, the jurisdictions of Queensland, NSW, South Australia and the Commonwealth remain content to leave such families legally invisible relative to opposite-sex parented families.

This failure to adjust the law to accommodate and legitimise the social reality of same-sex parented families stems from various assumptions about the entitlements of gays and lesbians and the relationship between sexuality and parenting. Central to this resistance are the perceived rights and interests of children. For example, when John Howard as Prime Minister of Australia opposed the extension of assisted reproductive technology to women in a lesbian relationship he declared: '[t]his issue primarily involves the fundamental right of a child within our society to have the reasonable expectation ... of the care and affection of both a mother and a father'.[3] Similarly, when Angela Conway, a spokeswoman for the Australian Family Association lambasted the recommendations of the Victorian Law Reform Commission to, among other things, recognise same-sex parented families, she declared: it 'pays lip service to the needs of children. We hope that the state government puts it in the bin. There's virtually nothing in the report that seriously addresses the rights of the child'.[4]

This article aims to critically assess such claims and consider whether the current failure of several jurisdictions within Australia to recognise same-sex parented families is consistent with the rights and best interests of children. The model used to determine children's rights and best interests with respect to the recognition of those people who provide them with daily care and affection is the model provided under international law, principally the United Nations *Convention on the Rights of the Child* ('the Convention'). Although the Convention, which was ratified by Australia in 1990, has not been incorporated into domestic law, it remains relevant to this discussion for three reasons.

First, as a matter of international law the federal government remains bound to take measures to comply with the obligations under the Convention in good faith.[5] Second, irrespective of its domestic or international legal status, the Convention, having been ratified by 192 states, provides a set of universal standards and principles which have received international acceptance. It therefore provides the potential for an understanding of the nature of the rights and best interests of children which is not simply informed by the subjective values and preferences of domestic decision-makers. Finally, those who oppose the recognition of same-sex families on the basis of the rights and interests of children often invoke various aspects of international law to support this position. Such a practice not only invites but requires further examination of the actual content of international law that relates to the recognition of same-sex parenting to assess the veracity of such claims.

The article first identifies the rights in question and then examines the existing schemes that enable recognition. The conclusion to be drawn is that international law does not harbour or justify a preference for opposite-sex parented families. On the contrary, a child-centric approach to the question of the legal recognition of same-sex parented families demands the equal protection of such family arrangements relative to opposite-sex parented families. Moreover, the failure to provide such protection is a form of unlawful discrimination that is actually harmful for the children living in such relationships.

The rights in question

Is there a right to a family which consists of a mother and a father?

International law reserves a special place for the family which is recognised as the fundamental unit of society.[6] It is to be accorded special protection in order to secure and preserve its privileged status.[7] Children are not only entitled to demand that states respect their family life,[8] but are also entitled to a right to know and be cared for by their parents,[9] and for their parents to take primary responsibility for their care and upbringing.[10] It has been asserted that these standards provide support for the claim that international law provides children with the right to a mother and father.[11]

A closer examination of the relevant standards reveals that such a position is untenable under international law. Significantly, it was rejected by Justice Sundberg of the Australian Federal Court in *McBain v Victoria*, where he declared that when the relevant international

REFERENCES

1. Australian Bureau of Statistics, *Year Book Australia*, 'Same Sex Couple Families', (2005) 142.

2. The Office of the Attorney-General, 'New Laws on ART and Surrogacy' (Media release, 14 December 2007).

3. Office of the Prime Minister, 'Amendment to the *Sex Discrimination Act 1984*' (Media Release, 1 August 2000).

4. As quoted in C Nader 'Lesbians, Singles May Use IVF Says Reform Report' *The Age* (Melbourne) 8 June 2007, 3.

5. *Vienna Convention on the Law of Treaties*, 23 May 1969, art 26 ('Every treaty is binding upon the parties to it and must be performed by them in good faith').

6. See, eg, *Convention on the Rights of the Child*, opened for signature 20 November 1989, ILM 28 1448, preamble (entered into force 2 September 1990), *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, art 23 (entered into force 23 March 1976); *International Covenant on Economic Social and Cultural Rights*, opened for signature 16 December 1966, art 10(1) (entered into force 3 January 1976).

7. Ibid. See also, Human Rights Committee, General Comment No 19, Protection of the Family, the Right to Marriage and Equality of Spouses (27 July 1990), para 1 in HRI/GEN/Rev.1 at 28 (1994).

8. See, eg, *Convention on the Rights of the Child*, art 16.

9. *Convention on the Rights of the Child*, art 7.

10. *Convention on the Rights of the Child*, art 18 and 27.

11. See eg, the submissions of the Catholic Church in *McBain v Victoria* [2000] FCA 1009 [11] and [12].

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instruments are considered in their entirety they 'tell against the existence of an untrammelled right of the kind for which the Catholic Church contends'.[12] There is nothing in the jurisprudence of the Committee on the Rights of the Child ('the Committee'), the body of independent experts established under the Convention to monitor its implementation, to support this view. Indeed the following comments of the Committee suggest that a much more flexible interpretation with respect to the definition of both 'family' and 'parents' is warranted:

> The basic institution in society for the survival, protection and development of the child is the family. When considering the family environment the Convention reflects different family structures arising from the various cultural patterns and emerging familial relationships. In this regard the Convention refers to the extended family and the community and applies to situations of nuclear family, separated parents, single parent family, common law family and adoptive family.[13]

This passage does not restrict the definition of 'parents' to heterosexual couples. Although there is no reference to people of the same sex, there is also no express exclusion of such relationships. Indeed sexuality appears to be an irrelevant consideration which would appear to be consistent with the Committee's view that the notion of family, and by implication, parents is a flexible one that must respond to and accommodate the reality of changing social relationships. This view is confirmed in the Committee's subsequent summary of its discussion day where it explained that:

> *On the basis of the different interventions it would seem hard to argue for a single notion of the family* ... Could it be considered that only in certain circumstances would the family or family life have decisive social value? On the basis of what criteria: legal, political, religious, other? ...
>
> *All these questions seem to place the essential value of the principle of non discrimination in the forefront of the general discussion.*[14] [emphasis added]

Such comments make it difficult if not impossible to argue for a definition of family and 'parents' that would necessarily be restricted to a male and a female. It is important to acknowledge that such a position presents a challenge to the established and dominant expectations held by many within society about legitimate forms of family structure. At the same time the acceptance of this model of family and parenting does not sound a death knoll for 'the family' as a social institution.[15] The family can still remain the fundamental unit of society and the optimal place in which all children should be raised and provided with care. But the effective functioning of this unit need not be defined by reference to its structure or the sexuality of its members, rather the capacity to ensure the 'healthy development of a child through the provision of a stable, consistent, warm and responsive relationship between a child and his or her care giver'.[16]

The prohibition against discrimination

The prohibition against discrimination and the right to equality before the law is a fundamental principle of international law.[17] This means that states must ensure and respect the rights of each child without discrimination of any kind irrespective of the child's status.[18] Moreover the Convention provides that states must take all appropriate measures to ensure that a child is protected from all forms of discrimination on the basis of the status of their parents, which would extend to their sexual orientation.[19]

The current failure of the law to recognise the legal status of both social parents in a same-sex parented family carries significant adverse consequences at both the federal and state level for children relative to children living within opposite-sex parented families. At the federal level, for example, a non legally recognised parent who is not the subject of a parenting order under the *Family Law Act 1975* (Cth) has no legal responsibility for the care of a child or any obligation to provide financial support to the legal parent in the event of a relationship breakdown under the *Child Support (Assessment) Act 1989* (Cth).[20] At the state level, the Final Report of the Victorian Law Reform Commission on *Assisted Reproductive Technology and Adoption* provides an illustration of the various obligations and entitlements that arise from the parent–child relationship under state law and which are denied to children whose same-sex parents are not legally recognised including:

- an entitlement to compensation under statutory schemes such as WorkCover, transport accident and victims of crime compensation;
- an entitlement to a share of a person's estate if they die intestate; and
- an entitlement to distribution of a person's superannuation after their death.

These examples of the differential and less favourable treatment experienced by children in same-sex parented relationships could only be justified under international law if they were the result of measures deemed to be reasonable or necessary to secure a legitimate aim.[21] Significantly, however, opponents of the recognition of

12. Ibid [12].

13. Committee on the Rights of the Child, Role of the Family in the Promotion of the Rights of the Child, 7th Session 10 October 1994 CRC/C/24 (1994) para 2.1; also in Committee on the Rights of the Child Reports of General Discussion Days CRC/C/DOD/1 (19 September 2001) 27.

14. Committee on the Rights of the Child, Summary of General Discussion CRC/C/34 paras 190–191; also in Committee on the Rights of the Child Reports of General Discussion Days CRC/C/DOD/1 (19 September 2001) 29.

15. See *Du Toit & Anor v The Minister for Welfare and Population Development & Ors* (2003) 4 CHRLD 21 para 19 (South Africa). See also the earlier jurisprudence of the Court with respect to the definition of family in *National Coalition for Gay and Lesbian Family v Minister for Home Affairs* [2000] (2) SA 1 (CC) paras 47–48 (South Africa).

16. *Re K* (1995) 15 RFL (4th) 129, 143 (Canada) Nevins J.

17. See Human Rights Committee, General Comment No 18, Non Discrimination (10 November 1989) para 1 in HRI/GEN/1/Rev 1 at 26 (1994).

18. *Convention on the Rights of the Child*, art 2(1).

19. Ibid art 2(2).

20. For a more detailed discussion of the federal consequences of non-recognition see Human Rights and Equal Opportunity Commission, *Same Sex: Same Entitlements, National Inquiry into Discrimination Against People in Same Sex Relationships: Financial and Work Related Entitlements and Benefits* (2007) ch 5.

21. See Human Rights Committee, General Comment No 18, Non Discrimination (10 November 1989) para 13 in HRI/GEN/1/Rev 1 at 26 (1994).

same-sex parented families have been conspicuously silent in their attempts to defend such consequences. Any recourse to the argument that such consequences are necessary to preserve the status of the traditional family unit appears to be extremely hollow in light of the preceding discussion about the contemporary understanding and flexible definition of 'family'.

But even if this definition were rejected, any further attempt to maintain opposition to the recognition of same-sex parented families by invoking the best interests of the child as a legitimate aim is also unsustainable. The argument that the law must deprive children in same-sex parented families of certain entitlements which children in opposite-sex parented relationships enjoy in order to protect the best interests of the former cohort of children is nonsensical. It only serves to reveal the way in which the best interests principle has been co-opted by those who oppose the recognition of same-sex families in order to promote their own ideological agenda even if this comes at the expense of children's best interests. It also reveals a serious deficiency in their understanding of at least two other rights recognised under international law which are also undermined by a failure to recognise same-sex parented families: the right to birth registration and the right to an identity.

The right to birth registration

The birth registration of children is recognised as 'a basic and necessary measure for their overall protection and for ensuring their rights to an identity'.[22] Moreover, it has been observed that birth registration 'is important in providing evidence of a person's status in that state. It is the starting point at which the private individual presents his or her public face to the world.'[23] It is for these reasons that the Convention requires that a child shall be registered immediately after birth (art 7).

Importantly, the Committee has explained that 'the absence of such basic documentation detailing the child's age and *family affiliations* may hamper the implementation of a child's other rights …' (emphasis added).[24] Although the Committee is yet to indicate the full meaning of the term 'family relations', it would arguably extend to the inclusion of information about those people who for all practical purposes have assumed and consented to act as a parent of a child. Such a view is certainly supported by the Committee's generous interpretation of family, detailed above.

The Committee has also stressed that states must 'provide information on the elements of the child's identity included in the birth registration'.[25] This would appear to create an obligation on states to include the identity of both parents in a same-sex parented family in circumstances where the parents in an opposite-sex parented family would be included on a child's birth certificate in cases of assisted reproductive technology or adoption. The absence of such a measure fails to satisfy the Committee's requirement that a child's birth registration detail the child's family affiliations and provide information about the various elements of a child's identity.

The right to an identity

It has been said that '[t]here can be few more basic rights than a right to one's identity'.[26] As Van Bueren explains: '[a]n identity transforms the biological entity into a legal being and confirms the existence of a specific legal personality capable of bearing rights and duties'.[27] Article 8 of the Convention therefore provides children with a legal right to preserve their identity, which is specifically stated to include family relations. When introducing the proposal for this right the representative for Argentina declared that is was intended to act 'as a safeguard to preserve personal, legal and family identity of children throughout the world'.[28]

States therefore have an obligation to respect a child's right to preserve their identity. This does not simply mean that states must refrain from unlawful interference with a child's identity. On the contrary states must take active measures to ensure the effective enjoyment of a child's right to preserve their identity. In this context the Committee has stressed the importance of birth registration of one of the measures to secure a child's right to an identity.[29]

It is clear from the wording of article 8 that such records must include information relating to the 'familial relations' of a child. It is also clear from the drafting history of the Convention that the proponent of article 8, Argentina, was motivated by a desire to address the situation whereby many children were abducted and 'adopted' to members of the armed forces without any record of the child's biological parents. But there is nothing in the final text of article 8 which demands that the meaning of 'familial relations' be restricted to biological ties. Indeed, in light of the Committee's comments with respect to the meaning of a 'family' outlined above, the term 'familial relations' must include those people who assume the role of parents irrespective of their sexuality or biological connection to a child. As Woodhouse has explained, children 'draw their own identity from the people who take daily care of them and are their psychological parents'.[30]

It follows that states have a positive obligation to actively obtain and legally recognise information about each of these people and record it in a way that ensures the preservation of a child's familial relations. The current failure of the law within various jurisdictions in Australia to undertake such measures with respect to the parenting roles performed by both partners in same-sex relationships therefore fails to ensure the protection of a child's familial relations and thus identity.

An evaluation of the existing schemes that enable recognition[31]

The preceding discussion demonstrates that the effective enjoyment of the rights and best interests of a child in a same-sex parented family requires that the parents must be legally recognised. Within Australia there currently exist a number of mechanisms at both the federal level and in some states and territories that allow for legal recognition, to varying degrees, of a non-biological[32] parent in a same-sex parented family.

22. A Pappas, 'Introduction' in A Pappas (ed), *Law and Status of the Child* (1983) xliv.

23. G Douglas, 'The Family and the State under the European Convention on Human Rights' (1988) 2 *International Journal of Children's Rights* 76, 87.

24. Committee on the Rights of the Child, Concluding Observations for Honduras CRC/C/15/Add24 para 12.

25. Committee on the Rights of the Child, Guidelines for Periodic Reports CRC/C/58 para 51.

26. M Freeman, 'The New Birth Right? Identity and the Child of the Reproduction Revolution' (1996) 4 *International Journal of Children's Rights* 273, 283.

27. G Van Bueren, *International Law on the Rights of the Child* (1995) 117.

28. See S Detrick (ed), *The United Nations Convention on the Rights of the Child: A Guide to the Travaux Preparatoires* (1992) 620.

29. See eg, Committee on the Rights of the Child, Concluding Observations for Sierra Leone CRC/C/15/Add116 para 42. See also, Committee on the Rights of the Child, Concluding Observations for Paraguay CRC/C/15/Add27 para 10; Paraguay CRC/C/15/Add75 para 18; Comoros CRC/C/15/Add141 para 27; Dijbouti CRC/C/15/Add131 para 31; Peru CRC/C/15/Add8 para 8.

30. B Woodhouse, 'Are You My Mother? Conceptualising Children's Identity Rights in Transracial Adoptions' (1995) 2 *Duke Journal of Gender Law and Policy* 107, 127.

31. For a more detailed discussion see J Millbank, 'Recognition of Lesbian and Gay Families in Australian Law — Part Two: Children' (2006) 34 *Federal Law Review* esp 246–54 whose work was of great assistance in this analysis.

32. In Australia, a biological parent is assumed to be the parent of a child in the absence of a statutory intention to the contrary. See Victorian Law Reform Commission *Assisted Reproductive Technology: Final Report* (2007) 114 (citing relevant authorities).

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However, a brief examination of these regimes reveals they are often unable to afford a level of recognition that is consistent with the recognition afforded to the parents of children in opposite-sex parented families. Where this is the case, such regimes remain incompatible with the prohibition against discrimination and the best interests of the child.

Parenting orders by consent

Any person with an interest in the 'care welfare or development' of a child can approach the Family Court and request a parenting order.[33] The sexuality of an applicant has no bearing on the decision of the Court to grant such an application. In fact there is no requirement that a person have a pre-existing legal or biological relationship with a child. A parenting order provides the potential for a co-mother or co-father in a same-sex parented family to exercise various functions traditionally associated with parental authority such as living arrangements, education and medical care. However, as Millbank explains, 'there are serious formal limitations to the effectiveness of parenting orders as a mechanism for granting parental rights'.[34] They cease when a child turns 18; they do not necessarily impact on other areas of law in which the status of a parent is significant such as intestacy, and the onus is placed on non-biological parents to actively seek such orders. As a consequence they fall significantly short of the level of legal recognition provided to parents in same-sex parented families.

Co-parent adoption

Co-parent, second parent or step parent adoption has long been a mechanism available to partners in opposite-sex relationships to achieve legal recognition of their role as the social parent of a child from their partner's previous relationship. Unlike a parenting order which provides for significantly less than the full and formal recognition of a person as a legal parent, adoption orders provide this level of security and clarity for the relationship between a child and their parent. When made they are also generally recognised in other jurisdictions.[35] They provide a mechanism which, in certain contexts, is consistent with the values that underlie the international obligations of states to recognise and protect a child's family life and identity. Within Australia, however, only three jurisdictions currently allow for co-parent adoption in same-sex parented families — Western Australia, the ACT and Tasmania.[36] The Victorian government has indicated that it intends to adopt such an approach consistent with the recommendations of the Victorian Law Reform Commission.[37]

Status of children presumptions and birth certificates

Although co-parent adoption provides an appropriate form of legal recognition for parents of a child in circumstances where the child was conceived in a previous relationship, it is not appropriate for lesbian families where the non-birth mother is actively involved in parenting from conception onwards.[38] All legal systems within Australia have recognised the need for greater protection for men whose partners are undergoing assisted reproductive technology, and provide that parental status will be automatically ascribed to the consenting male partner. This status operates from birth and allows the male partner to be listed on the child's birth certificate without a requirement to comply with any additional procedures.

To date only three jurisdictions within Australia — Western Australia,[39] the Northern Territory[40] and the ACT[41] — have extended this status to the lesbian partners of women undergoing assisted reproductive technology. It also means that within these jurisdictions children born to lesbian mothers can have both the birth mother and non-birth mother registered on a child's birth certificate as parents. The Victorian Law Reform Commission has recommended such an approach[42] but again it remains to be seen whether it will be adopted by the Victorian government. Such an approach, however, is required if states are to act in a manner that is consistent with the rights and best interests of children as informed by international law. The failure to do so constitutes a form of discrimination not only against lesbian parents but also their children and their rights concerning identity and family relations.

Conclusion: time to bring legitimacy to the law

In 2002 the American Academy of Pediatrics declared that the failure to legally recognise parents prevented 'children from enjoying the psychologic and legal security that comes from having 2 willing, capable and loving parents'.[43] It therefore recommended that:

> Children deserve to know that their relationships with both of their parents are stable and legally recognised. This applies to all children, whether their parents are of the same or opposite sex.[44]

This analysis has sought to demonstrate that children living in same-sex parented families not only deserve

33. *Family Law Act 1975* (Cth) Part VII (Children) Divisions 5 & 6 ss 64A to 65ZC.

34. J Millbank above note 31, 248

35. See generally, ibid 249–50.

36. *Adoption Act 1994* (WA); *Adoption Act 1993* (ACT); *Adoption Act 1988* (Tas). The series of provisions relevant to the identity of persons able to adopt are not hetero specific thus enabling gay and lesbians to adopt in certain circumstances. For example in Tasmania, eligibility to adopt is dependent upon one partner being the biological parent or relative of the child and the couple must have entered a registered deed of relationship: section 20. See generally: J Millbank above n 34, 248–9.

37. Media release, above n 2; Victorian Law Reform Commission *Final Report: Access Adoption and Assisted Reproductive Technology* (2007) 12 (recommendation 68).

38. J Millbank above note 32, 249.

39. *Acts Amendment (Lesbian and Gay Lesbian Reform) Act 2002* (WA) s 26 which introduced s 6A into the *Artificial Conception Act 1985* (WA).

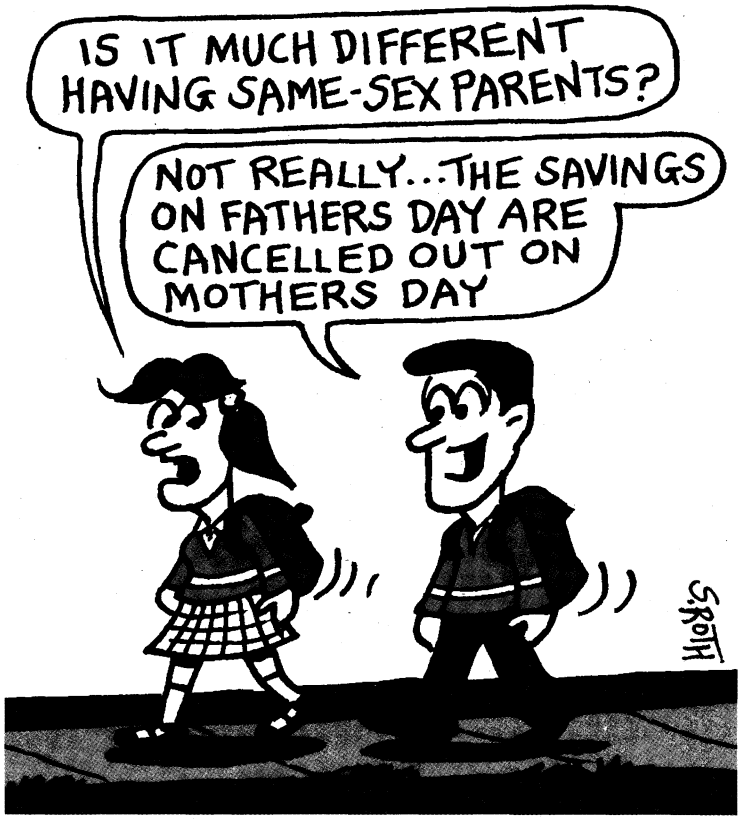
40. *Law Reform (Gender Sexuality and De Facto Relationships) Act 2003* (NT) s 41 which inserted s 5DA into the *Status of Children Act 1978* (NT).

41. *Parentage Act 2004 (ACT)* ss 8, 9.

42. Victorian Law Reform Commission *Final Report: Access Adoption and Assisted Reproductive Technology* (2007) 12 (recommendation 73).

43. American Academy of Pediatricians Policy Statement, 'Coparent or Second Parent Adoption by Same Sex Parents', Committee on Psychosocial Aspects of Child and Family Health (2002)109 *Pediatrics* 339.

44. Ibid.



but have an entitlement under international law to have their parents recognised. Positive developments can be seen in some jurisdictions. However, the failure to provide appropriate recognition of same-sex parented families in other jurisdictions within Australia continues to deny children living within such families the benefits experienced by children living in opposite-sex parented families. Such consequences are incompatible with the rights and best interests of children. The time has come to make a genuine commitment to children and their rights, irrespective of the sexuality of their parents, by providing effective recognition of same-sex parented families. Anything less must be seen to leave the status of the law rather than the status of such families in a state of illegitimacy.

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'*Emergency Welfare Reforms*' References, continued from page 30

48. Adopting the language of Pearson: Cape York Institute, above n 23 see generally 'Restoring Social Norms by Attaching Reciprocity to Welfare Payments' ch 3.

49. Explanatory Memorandum, Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 (Cth) at 5.

50. It is proposed that the Commission 'be chaired by a retired Magistrate ... and consist of respected members of each of the four Welfare Reform communities': Cape York Institute, above n 23, 10.

51. Two of the three members on each Panel would be local community members: ibid 52.

52. Ibid 49.

53. The Cape York Institute report emphasises that the Family Responsibilities Commission (the Queensland Commission) must be the decision-making body in respect of the sanction to be applied to a person that breaches his or her welfare obligations. If the FRC were merely to make recommendations to Centrelink, as opposed to providing directions to Centrelink, local Indigenous authority would not develop: ibid 50.

54. Ibid 64 (tenancy trigger).

55. Ibid 54–55 (education trigger).

56. Ibid 60–63 (judicial trigger).

57. Under the child protection and two education triggers, a state or territory child protection officer or the Secretary (Centrelink) applies income management against 'poor parents': *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) ss 123UC-123UE.

58. *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting s 123UD-123UE; see also *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UH (eligible care child). This is not the case for child protection related income management for which the only substantive criteria appears to be that a child protection officer has given the requisite notice: see *Social Security (Administration) Act 1999* (Cth) s 123UC.

59. See *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UC.

60. See *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UD.

61. *Welfare Payment Reform Act 2007* (Cth), Sch 1, Item 17 inserting *Social Security (Administration) Act 1999* (Cth) s 123UE.

62. For example, unlike the Cape York proposal, the national scheme does not involve landlords in the supervision of welfare recipients.

63. Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (1997). During the Stolen Generation period, state governments employed 'general' child welfare laws — premised on a non-Indigenous model of child-rearing — to target 'neglected' or 'uncontrollable' children.

64. Such concerns have been expressed by the economist Dan Ribar based on his research into the US food stamp program: see Bernard Lane, 'Big Welfare Sticks Cost Too Many Carrots', *The Australian* (Sydney), 8 August 2007.