

LEGISLATIVE COUNCIL

Tuesday 3 June 2008

The President (The Hon. Peter Thomas Primrose) took the chair at 2.30 p.m.

The President read the Prayers.

The PRESIDENT: I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

ASSENT TO BILLS

Assent to the following bills reported:

Board of Adult and Community Education Repeal Bill 2008
 Education Amendment Bill 2008
 Gas Supply Amendment Bill 2008
 Higher Education Amendment Bill 2008
 Justices of the Peace Amendment Bill 2008
 Public Sector Employment and Management Amendment Bill 2008
 Crimes (Administration of Sentences) Legislation Amendment Bill 2008
 Crimes Amendment (Rock Throwing) Bill 2008
 Mining Amendment Bill 2008
 National Parks and Wildlife (Leacock Regional Park) Bill 2008
 Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill 2008
 Workers Compensation Amendment Bill 2008

MEDICAL PRACTICE AMENDMENT BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Hatzistergos.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

CRIMES AMENDMENT (ROCK THROWING) BILL 2008

Message received from the Legislative Assembly returning the bill without amendment.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to the Independent Commission Against Corruption Act 1988, a report entitled "Report on an Investigation into Corruption Allegations Affecting Wollongong City Council: Part 2", dated May 2008, received out of session and authorised to be made public on 28 May 2008.

Ordered to be printed on motion by the Hon. Tony Kelly.

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. Eric Roozendaal tabled, pursuant to Standing Order 59, a list of papers tabled since 16 May 2008 and not ordered to be printed.

TABLING OF PAPERS

The Hon. Eric Roozendaal tabled the following papers:

- (1) Annual Reports (Statutory Bodies) Act 1984—Report of the Wine Grapes Marketing Board for the year ended 31 December 2007.
- (2) Rail Safety Act 2002—Report of the Office of Transport Safety Investigations entitled "Rail Safety Investigation Report: Track Worker Fatality: Baan Baa, 22 May 2006".

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Protecting Our Rivers: Follow-up of 2003 Performance Audit", dated May 2008, received out of session and authorised to be printed on 21 May 2008.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report

The Clerk announced the receipt, pursuant to standing orders, of a report entitled "Administration of the 2007 NSW Election and Related Matters", dated May 2008, received out of session and authorised to be printed on 21 May 2008.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 7 of 2008", received out of session and authorised to be printed on 2 June 2008.

NORTH WEST METRO LINK

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 7 May 2008, documents relating to an order for papers regarding the North West Metro Link, received on 21 May 2008 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

OWEN INQUIRY

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 15 May 2008, documents relating to an order for papers regarding the report of the Owen inquiry, received on 29 May 2008 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Presentation of an Irregular Petition

Motion, by leave, by Reverend the Hon. Fred Nile agreed to:

That standing orders be suspended to allow the presentation of an irregular petition from 194 citizens concerning a development application to the Council of Camden.

IRREGULAR PETITION**Camden School Development Application**

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend the Hon. Fred Nile**.

PETITIONS**Camden School Development Application**

Petition requesting that an inquiry be held into the development application to Camden Council for a primary and secondary school and calling for suspension of the application until the identity, funding sources, capacity, ideology and competency of the landowner and prospective school proprietor are fully ascertained, received from **Reverend The Hon. Fred Nile**.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business items Nos 46, 47 and 75 outside the Order of Precedence withdrawn by Ms Lee Rhiannon.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2008-2009**

Copies of Budget Paper No. 1—Budget Speech; Budget Paper No. 2—Budget Statement; Budget Paper No. 3—Budget Estimates, Volumes 1 and 2; Budget Paper No. 4—Infrastructure Statement; and Budget Overview tabled.

Ordered to be printed on motion by the Hon. John Della Bosca.

The Hon. JOHN DELLA BOSCA (Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance) [2.46 p.m.], by leave: I move:

That the House take note of the Budget Estimates and related papers for the financial year 2008-2009.

I seek leave to incorporate the Treasurer's budget speech in *Hansard*.

Leave granted.

I am pleased to deliver the third budget of the Lemma Labor Government, a Budget that continues our commitment to invest in infrastructure and frontline services, in record amounts.

Twelve months ago the economic environment was significantly different from today's.

Since I last addressed this place, financial markets have experienced severe instability.

The resources boom has continued to create challenges for the national economy, the States, and our budget.

A year of surprisingly strong growth in domestic demand and employment has seen inflationary pressures emerge and the Reserve Bank lift interest rates four times, to levels not seen for more than a decade.

As the Government has previously reported, the ageing of the population will begin to impact within the period of the forward estimates as the first baby boomers turn 65.

The annual increase in the population aged over 65 will more than double over the forward estimates period, increasing demand for services in health, ageing and disabilities, transport, and community services.

The Rudd Government's commitment to reforming Commonwealth-State financial arrangements has provided an opportunity for reform to the way in which government services are funded and delivered—but this opportunity does not come without its own set of challenges.

In this context this budget balances the challenges of delivering improved services, investing more in infrastructure, and cutting taxes.

Within the parameters established by the State Plan it delivers better services with a record \$47.6 billion budget.

This includes new spending targeted at the Premier's priority areas: Aboriginal health, emergency departments, child protection, mental health and disability services.

It continues our record investment in infrastructure with almost \$14 billion this year alone invested in rail, water, electricity, schools, police stations and hospitals.

It keeps the budget in surplus, this year and across the forward estimates, securing our triple-A credit rating and maintaining Labor's record of strong financial management.

And once again it delivers tax cuts—\$3.6 billion worth of tax cuts to support jobs and economic growth.

BUDGET OVERVIEW

The Government's strong financial management means the budget in 2008-09 will be a surplus of \$268 million, or \$737 million under the accounting standards that applied until last year.

In the following three years surpluses will average around \$800 million.

I can also advise the House today the budget result for 2007-08 will be a surplus of \$700 million—or \$1 billion under the previous accounting standards.

This is an improvement of \$660 million since last year's budget.

This improvement is in addition to an early repayment of \$390 million in debt accrued during the construction of the Epping to Chatswood rail line.

Last financial year we paid off \$960 million of debt associated with this project.

Because of our responsible financial management, by the middle of next year the Epping to Chatswood rail line will be debt free.

The Iemma Government has worked hard for these results.

For the third year in a row we have brought operating expenses in on target.

In 2005-06 the difference between budgeted and actual expenses was 0.1 per cent. In 2006-07 that difference was 0.2 per cent.

Allowing for "pass through" funding from the Commonwealth for specific initiatives and the \$390 million rail debt repayment, in 2007-08 expenses are estimated to be just 0.6 per cent higher than budgeted.

These results reflect the Iemma Government's commitment to keeping a tight rein on expenditure in order to redirect taxpayers' funds where they want them—on frontline public services.

Last year I reported that the Government's stringent efficiency measures were delivering savings of around \$300 million a year.

Today I can report those measures have yielded \$1.7 billion in real savings to date.

Last year I reported that, after years of expenditure growth outpacing revenues, we were on track to align the two, on average, over the forward estimates.

Today I can report that revenue and expenses will continue to grow at around the same rate over the next four years.

Last year I reported that productivity savings would ensure that in coming public sector wage rounds the net cost to taxpayers would be limited to 2.5 per cent per annum.

Today I can report that over the past 12 months the Government and unions have struck 11 agreements where the cost to taxpayers has been limited to 2.5 per cent, while, because of productivity offsets, wage rises for employees under those awards have been as high as 5 per cent.

The Government will continue to utilise the mid-point of the Reserve Bank's target inflation range as the indexation factor for funding wage increases.

This is not only fiscally responsible; it is the key role the New South Wales Government can play in the fight against inflation and higher interest rates.

BALANCE SHEET AND NET WORTH

The balance sheet is now considerably stronger than it was in the mid-1990s, which has put the State in a much better position to handle cyclical fluctuations in revenue, such as those arising from higher interest rates and weaker equity markets.

Demographic change, urban congestion, and greater demand for essential services have seen strong growth in spending in key areas such as health, transport, community services and police, and record capital expenditure.

The Government's record capital works—\$57.6 billion over the next four years—will see the value of our physical assets increase from \$189 billion in June 2008 to \$229 billion by June 2012.

The increase in capital expenditure, further tax cuts, changes to accounting standards, and the recent downturn in capital markets mean some of our fiscal targets will not be met.

General government net debt will increase from 1.4 per cent of GSP in June 2008 to 1.7 per cent of gross State product [GSP] in June 2012.

However, net debt will remain at sustainable levels and will stay significantly lower than in 1995, when it was 7.4 per cent of GSP.

General government net financial liabilities will increase from \$29.3 billion in June 2008 to \$36.5 billion in June 2012, but will decrease as a percentage of GSP from 8.2 per cent to 8 per cent over the same period.

While above the target of 7.5 per cent, net financial liabilities will also remain below the unsustainably high levels of the mid-1990s, when it was almost 20 per cent of GSP.

In 2006 we estimated that the ageing of the population and other pressures could lead to a budget shortfall in 2044 of around 3.4 per cent of GSP. Subsequent budgets increased that fiscal gap to 3.5 per cent.

Tax cuts announced today and our significant boost to capital expenditure will add 0.3 percentage points to the long-term fiscal gap, while increased growth in demand for services in areas such as health, transport and community services will add 0.1 percentage points.

These long-term pressures highlight the need for an overhaul in Commonwealth-State financial arrangements.

The reform of intergovernmental financial arrangements will be judged by how well new specific purpose payments deal with indexation related to wage costs and demand.

In December last year the Government embarked on the process of securing the State's electricity needs through greater participation by the private sector in the delivery of electricity.

The Government's plans for electricity will also have a positive impact on our balance sheet.

But as has been the case with past major transactions, estimates of the proceeds of electricity sector transactions have not been included in the budget, with the impact on the balance sheet and our fiscal targets to be shown in future years.

NEW SOUTH WALES ECONOMY

Despite the challenges from an uncertain global economic environment, the economic fundamentals in New South Wales remain strong.

In 2007-08 State final demand is estimated to have grown by a very strong 4¼ per cent, gross State product by 2½ per cent and employment by 2½ per cent, while unemployment dropped to a generational low of 4½ per cent.

Growth in the first half of 2007-08 was stronger than in the second half, when the economy was hit by constrained credit markets and four interest rate increases between August and March.

Nowhere was this more apparent than in the New South Wales housing sector, which showed signs of recovery during the first half of the financial year, only to slow early in the new year.

Similarly, consumer spending grew strongly in the last six months of 2007, but stalled in the first quarter of 2008.

Business investment—which has been a real strength of the New South Wales economy for some time—grew by more than 10 per cent in the first half of the financial year; however, current expectations are also for that growth to moderate.

In the agricultural and farming sector the follow-up autumn rains we were all hoping for did not eventuate, which is expected to trim overall GSP growth instead of adding to it as originally forecast.

In the current high interest rate environment New South Wales will continue to face challenges this year.

Growth in State final demand is expected to slow to 2½ per cent, GSP to 2 per cent, and employment to 1 per cent.

Unemployment is expected to rise slightly to 4¾ per cent, but remain well below historic levels.

Inflation is expected to ease as a result of the Reserve Bank strategy.

IMPROVED AND EXPANDED SERVICES

Over the four years to 2008-09 spending on priority areas of service delivery has increased significantly.

- ◆ Spending on community and disability services has increased by 29 per cent
- ◆ Spending on public transport and roads has increased by 25 per cent

- ◆ Spending on health has increased by 25 per cent
- ◆ Spending on police and justice has increased by 18 per cent
- ◆ Spending on education and training has increased by 17 per cent, and
- ◆ Spending on environment and natural resources has increased by 53 per cent.

This year the Government will spend \$47.6 billion on delivering improved and expanded services for the people of New South Wales.

This includes:

- ◆ \$13.2 billion in Health, up 5 per cent on last year, including \$49 million for the full-year cost of an additional 180 acute care beds added in November to ease the pressure on the busiest emergency departments
- ◆ \$11 billion on Education and Training, an increase of 4.7 per cent, including \$19 million to improve childhood literacy with the Best Start Program
- ◆ Spending on Police will increase by 4 per cent to almost \$2.4 billion as the Government meets its commitment to increase police numbers to 15,956 by December 2011
- ◆ \$815 million for Emergency Services, including an 18 per cent increase in funding for the State Emergency Service following one of their busiest years on record
- ◆ For the first time spending on Ageing and Disability Services will exceed \$2 billion, an increase of 7 per cent
- ◆ Spending on Community Services will also increase by 7 per cent to \$1.35 billion, including an additional \$21 million to provide preschool opportunities for an additional 10,500 children for two days per week in their year prior to school and
- ◆ Almost \$1 billion will be spent in the area of the Environment, including a 40 per cent increase in funding to buy back water for rivers and wetlands.

Total spending on providing public transport is \$5.9 billion, reflecting the Government's commitment to the North West Metro, South West Rail Link, clearways, the rolling stock public-private partnership [PPP], and new environmentally friendly buses.

Challenging economic times also demand that governments target areas of most need.

The budget includes \$4 billion for Community Services, Ageing and Disability, Housing and Aboriginal Affairs.

Spending in these areas will include:

- ◆ \$263 million, an increase of 16 per cent, for prevention and early intervention, to provide support for children, young people and families early on, before their problems turn into a crisis
- ◆ \$109 million, an increase of 55 per cent, to fund 620 supported accommodation places to provide community-based residential support for people with a disability
- ◆ \$17.7 million, an increase of 75 per cent, to prevent young people entering nursing homes, improve services to young people who live in nursing homes, and develop alternative models of support and accommodation for young people with a disability
- ◆ \$10.1 million to assist eligible people with a disability and people with HIV/AIDS to access the private rental market
- ◆ \$22.9 million over four years to combat child sexual abuse in Aboriginal communities, with the expansion of the Safe Families program in an additional five communities in the Orana Far West region
- ◆ \$30 million over four years to provide ongoing support for the operation, maintenance, and monitoring of water and sewerage systems, in partnership with the New South Wales Aboriginal Land Council
- ◆ \$1.1 billion for mental health, including new funding of \$31.6 million for the expansion of mental health services and to fully operate the new forensic hospital at Long Bay.

Over the past 12 months the New South Wales Government has committed around \$90 million to assist farming communities with the ongoing impacts of the drought, and it remains committed to assisting rural communities in need.

INVESTING IN INFRASTRUCTURE

Two years ago we released the State Infrastructure Strategy, setting out for the first time a comprehensive 10-year plan for New South Wales's infrastructure needs.

The 2006 State Infrastructure Strategy included \$110 billion in capital projects over the decade to 2016.

The State Infrastructure Strategy for the decade to 2018 will be released next week, but today I can announce our infrastructure expenditure over the coming decade is expected to reach about \$140 billion.

This year the State's total investment in infrastructure will reach \$13.9 billion, 11 per cent higher than in the 2007-08 Budget.

Over the four years to 2011-12 the State's capital expenditure will total \$57.6 billion, partly funded by an increase in net debt of \$20.9 billion.

This is \$21.2 billion, or 58 per cent, higher than the previous four-year capital spend.

Over the next four years capital expenditure by transport businesses will almost triple from \$1.3 billion to \$3.7 billion, driven by the North West Metro, the South West Rail Link, major ports expansions, the continuation of the Rail Clearways Project, and the acquisition of new rolling stock.

Capital expenditure in the electricity sector will grow by more than 60 per cent over the same period, largely because of increased investment by the network transmission and distribution businesses.

Infrastructure spending in 2008-09 in non-commercial areas includes:

- ♦ \$1.8 billion on transport
- ♦ \$2.2 billion on roads
- ♦ \$784 million on health
- ♦ \$735 million on education and training
- ♦ \$569 million on housing and
- ♦ \$411 million on law and order.

Infrastructure spending in 2008-09 in commercial areas includes:

- ♦ \$3.5 billion on electricity
- ♦ \$2.2 billion on water and
- ♦ \$397 million on ports.

Major new capital projects in the budget include:

- ♦ the \$12 billion North West Metro
- ♦ 19 new school projects and 12 new TAFE projects, at a total cost of \$246 million
- ♦ Almost 1,300 new units of public housing, community housing and crisis accommodation at a total cost of \$201 million
- ♦ \$65 million for the M5 East filtration project and \$150 million on the Victoria Road upgrade
- ♦ \$27 million towards the Lismore Integrated Cancer Centre and
- ♦ Riverstone Police Station and Lake Macquarie Local Area Command at a cost of \$35 million.

The Iemma Government is delivering on its commitment to invest in new infrastructure.

REVENUE MEASURES

This budget continues the Iemma Government's policy of strategic reductions in taxation, with \$3.6 billion in tax cuts.

Since August 2005 there has been a significant rationalisation of property-related taxes, including:

- ♦ abolishing vendor duty
- ♦ abolishing mortgage duty, and
- ♦ overhauling land tax, including indexing the threshold and dropping the rate.

It was Labor that abolished stamp duty for first home buyers on properties under \$500,000.

We have cut business taxes, including:

- ♦ abolishing a range of stamp duties, the so-called "nuisance taxes" and
- ♦ payroll tax concessions for businesses in areas of higher than average unemployment.

We have also cut workers compensation premiums and reduced red tape by harmonising payroll tax arrangements with other States.

And we have done this while continuing to be penalised on the GST.

New South Wales has lower revenue per capita than the average of the other States, and the second lowest revenue per capita of all the States.

New South Wales overall tax rates are around the average of all States, with a lower than average reliance on transfer duty, gambling taxes and motor vehicle taxes.

As announced last year, the 2008-09 budget abolishes mortgage duty on residential investment properties from 1 July 2008 and abolishes stamp duty on unquoted marketable securities from 1 January 2009.

The abolition of mortgage duty on residential investment properties will save property investors \$160 million this year and \$718 million over the next four years.

It is further proof of the Iemma Government's commitment to reducing the burden of property taxes.

The abolition of stamp duty on unquoted marketable securities will save business \$36 million this year and \$272 million over the next four years.

Today I can announce further tax cuts worth \$2.2 billion.

This budget cuts payroll tax from 6 per cent to 5.5 per cent and indexes the payroll tax threshold to inflation.

This makes New South Wales the only jurisdiction in Australia to index the payroll tax threshold.

From 1 July 2008 the payroll tax threshold will increase from \$600,000 to \$623,000, rising thereafter with increases in the CPI in Sydney.

Tax cuts must be implemented without jeopardising funding for essential services: that is why the cut to the payroll tax rate will be phased.

The rate will be reduced to 5.75 per cent from 1 January 2009, to 5.65 per cent from 1 January 2010, and to 5.5 per cent from 1 January 2011.

In total, changes to payroll tax announced today will exceed \$1.9 billion over the next four years.

I can also announce today that the abolition of transfer duty on non-land business assets will be brought forward by 18 months, from 1 July 2012 to 1 January 2011, a further tax cut for business of \$270 million over the forward estimates.

In total this budget reduces taxation by \$344 million in 2008-09, increasing to \$1.4 billion in 2011-12, and by \$3.6 billion over the next four years.

Over the four years to 2011-12 Iemma Government tax cuts and reductions in workers compensation premiums will save New South Wales taxpayers \$12.4 billion.

CONCLUSION

The people of New South Wales expect the Government to constantly work at improving and expanding services.

This budget does that.

This budget invests for the future, building social and economic infrastructure.

This budget provides strong financial management.

This budget keeps taxes as low as possible to support jobs, economic growth, and funding for essential services.

I commend the bills to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008

Second Reading

Debate resumed from 7 May 2008.

The Hon. MARIE FICARRA [2.49 p.m.]: Many members on the Opposition side of the House have mixed feelings about this bill. For this reason Coalition members will be exercising their right to a conscience vote. I state categorically that the views I express are solely mine. The bill seeks to ensure that children of parents in same-sex relationships, especially those as a result of fertility treatment of a woman involved in a

lesbian relationship, are treated equally at law as children of parents in heterosexual relationships. The bill will amend a total of 57 laws across New South Wales to include new parental presumption protection for female same-sex couples involved in IVF processes. Unlike Victoria, Western Australia and South Australia, New South Wales does not have legislation that prevents single and lesbian women having access to IVF or other artificial fertilisation procedures. Lesbian de facto partners will now be afforded the same status as biological fathers in circumstances that involve parenting of IVF-resultant children.

I recognise that not all married heterosexuals make good parents and that many mothers in lesbian relationships are loving and caring towards their children. However, it should be stressed that the Family Court currently provides for parenting orders to apply to couples to gain recognition of their shared responsibility for the children they are parenting. Consequently, there should be no need to alter birth certificates—a child's most important recorded heritage. We all know of instances of children missing their parents—one or other of them—in circumstances whereby they are being raised post family problems that have beset a household. We all know of the lasting effects such circumstances have on such children. Often society is pressed to assist, and the children grow into adults, hopefully, with loving people around them. But we also know the truth of what is optimal for children—a mother and a father who love one another—and that children are best raised into adulthood in such a caring environment. It is still the norm in this country and long may it remain so. I represent a constituency that elected me to this place to uphold such values.

My individual dilemma arises in relation to aspects of amendments to the Status of Children Act 1996. In particular the bill seeks to insert section 14 (1A), which will give recognition to both women in a lesbian de facto relationship—recognition to the woman who becomes pregnant as the mother, even if she did not provide the ovum, and recognition to the other woman in the relationship, who is presumed to be a parent, so long as she has consented to the procedure. Under proposed section 14 (2) the man who donates the sperm for the IVF procedure is presumed not to be the father, and under proposed section 14 (3) a woman who donates the ovum is not considered to be the mother. Put simply, as described by Heath Gilmore in the *Sun Herald* on 18 May 2008, in his article entitled "'Father' To Go From Birth Certificates", the word father will be removed from birth certificates to recognise instead a lesbian woman's lesbian partner, elevating this woman to the same position as the natural father of the IVF-conceived child. We will see terms such as "birthmother" replace the term "mother", and "both parents" replace the term "father and mother" on birth certificates. Schools will be forced to recognise lesbian partners as parents. Many in this House believe that these provisions will undermine fatherhood as we traditionally know it.

The Government's haste to socially engineer on behalf of vulnerable children who have no say in the matter raises a major concern. Who will fight for their right to know who their father is? Surely every child deserves to have that knowledge. Indeed, the father should be present if at all possible—although I acknowledge this cannot always be so. At the very least there should be a record of paternity. What of the father's rights? These rights cannot be taken away to discriminate in favour of lesbian parents. Why not homosexual partners in parenting roles? Where will it all end? At the very least, biological fathers have the right to be included on the birth certificate of their own child. I will not vote to have this basic human right removed from fathers or their children. Whose interests are we serving—those of the children or those of the lesbian adults? How many births are we talking about anyway? There are estimates of as many as 250 a year. If that is so, surely these children deserve our care and our legislative protection. They deserve to have accurate and legitimate birth certificates.

In June 2006 the Law Reform Commission presented its report No. 113 to the Attorney General at the time, Bob Debus. The commission recommended, and the Government accepted, the revised definition of de facto relationship in numerous amended Acts at the time. Why has it taken two years for this report to be returned in the form of legislation? Why did the Government sit on the report during its previous term? Perhaps the answer is that it was not the right time—just before a shaky election campaign when it did not want to upset the electorate when there was so much at stake. The Government has no mandate for this legislation, the social ramifications of which will be major. Members of Parliament receive hundreds if not thousands of emails on this issue, and that will continue because the electorate and the community are now waking up. The media have not given this issue the proper attention it deserves and the community is now waking up to what is happening.

The issue was regarded as too sensitive prior to the last election. It goes to the core of who should be seen as legitimate parents. Many members believe that legitimate parents should not be same-sex couples, in this case lesbian couples. The bill will equate the position of a lesbian partner of a woman who has a child as a result of IVF to the position of the married woman's husband. This will be done by the names of two women appearing on a child's birth certificate. I believe the majority of our community, the public, do not support this aspect of the bill. We all support protecting the rights of children and partners involved in same-sex

relationships when it comes to property rights and protection against discrimination and financial security, as was recently legislated by the Federal Government, but we do not officially acknowledge parenthood by lesbian partners.

Recently considered Federal legislation affords gay couples the same rights as those enjoyed by heterosexual couples with regard to taxation; superannuation sharing; social security; health services, particularly Medicare; aged care; veterans services; workers compensation; employment and other entitlements. These changes were the result of the Human Rights and Equal Opportunity Commission finding in 2007 of discrimination in 58 areas of financial and work-related laws. However, the Federal Attorney-General, Robert McClelland, was keen to stress that the changes did not affect marriage or adoption laws. Most members agree that the welfare of children is paramount and thus laws of intestacy and the preservation of inheritance rights should relate to children of same-sex relationships. It sounds reasonable enough that lesbian partners are given the same responsibility as that of heterosexual partners for the health, education and general wellbeing of their children, but the fact remains that the names of two females—that is the birthmother by IVF and the lesbian partner—will be recorded forever on the birth certificates of children whose parents are in a lesbian relationship. This may or may not be acceptable to those children when they grow into teenagers and then become adults.

Whenever public institutions, such as hospitals, schools and sporting organisations, require evidence of parent-child relationship, these same-sex parenting details will be displayed on birth documents. Of course, the response to that from some will be that we have amended the anti-discrimination laws to cope with this. Well, my response to that is how do we give that child the emotional strength to cope with the changes they experience as individuals as they mature into adults? I personally do not want to be responsible for doing that to a child who has no say in the matter, just to appease the ever-activist same-sex lobby. The bill is the slippery slope and we as legislators are sliding away on it. Will the Adoption Act be next on the agenda for this Government? Jim Wallace, the Australian Christian Lobby chairman, said:

[We agreed there] was a case to remove discrimination in many laws, especially where children were disadvantaged by current laws. But what we do not want to see are changes in areas that confuse the definition of family or undermine the definition of marriage.

This type of legislation, which relates to parenting, will undermine laws forbidding same-sex marriage and gay adoption. This is the most fundamental feature of marriage. Much has been written on the greater potential for children of same-sex couples to suffer emotional and physical problems and to be more likely to struggle with their own sexuality. I am not suggesting that homosexual couples are somehow less loving or less committed to a child than a heterosexual couple.

However, the nature of a same-sex relationship means that both partners share the same gender. It means a child cannot witness the interaction of the sexes, a mother or a father, or benefit from the different approaches to parenting that a father and mother bring. However committed and loving, a same-sex couple simply cannot provide this much-needed aspect of parenting. A child's wellbeing is at stake. The wrong choice of parents could have a terrible impact on the life of a vulnerable child, who deserves protection not experimentation. Brendan Nelson, Federal Leader of the Opposition, has stated:

The Coalition would not support gay marriage, gay adoption or gay IVF. Whilst we will steadfastly oppose gay marriage, gay adoption and gay IVF, we will carefully scrutinise the proposals being put up by government and if they are affordable and reasonable we will certainly support them.

The Coalition did so at the recent Federal level. Society's refusal to treat homosexual couples as having the same rights to adopt as heterosexual couples is based on a justifiably cautious approach to their suitability as parents. Some single people, older couples and young couples may make admirable parents. As there is a suspicion that many may not, or that they may not be able to sustain the effort for the 20 or so years required, society has made the judgement that they not be considered as prospective adoptive parent except in exceptional circumstances. There is a reasonable concern in the community at large that children who do not have a male and female role model in their immediate family may suffer. Professor David Popenoe, a renowned expert on social sciences from Rutgers University in New Jersey argues:

In three decades of work as a social scientist, I know of few other bodies of data in which the weight of evidence is so decisively on one side of the issue: on the whole, for children, two-parent (father and mother, not same-sex coupling) families are preferable.

The most significant compilation of research in Australia on the raising of children in varied family types is that undertaken by Dr Sotirios Sarantakos, Associate Professor of Sociology at Charles Sturt University. In 1996 Dr Sarantakos researched the overall welfare of such children. He found that children raised by same-sex couples were "more confused about their gender" than the children raised within a heterosexual family unit. He concluded:

Married couples seem to offer the best environment for a child's social and educational development.

A study by the same researcher of Australian primary school children from three family types—married heterosexual couples, cohabitating heterosexual couples and homosexual couples—found that in every area of educational endeavour—language, mathematics, social studies, sport, class work sociability and popularity, and attitudes to learning—children of married heterosexual couples performed better than the other two groups. The study concluded with these words:

Married couples seem to offer the best environment for a child's social and educational development.

The best interests of the child should always be paramount in decisions relating to parenting and reproductive rights. Various studies have shown how children brought up in families without a father role model are in danger of being seriously disadvantaged in their social development and opportunity. A study of nearly 14,000 Dutch adolescents between the ages of 12 and 19 found:

In general, children from one parent and step parent families reported lower self esteem, more symptoms of anxiety and loneliness, more depressed mood and more suicidal thoughts than children from intact families. These often lead to confusion regarding their gender as they approach adulthood and in respect of social interaction.

The differences between men and women extend beyond anatomy, so it is essential for a child to be nurtured by parents of both sexes if a child is to learn to function in a society made up of both sexes. Same-sex couples are not necessarily bad parents nor will they necessarily make their children gay, but they cannot provide parenting that includes both a male and a female. It must also be highlighted that the average length of homosexual relationships and their commitment to relationships are, on average, much less than that of heterosexual couples. Children desperately need stability. Having parents involved in a monogamous relationship plays a big part in this.

We live in a rights-based culture but, where rights clash, many believe that the rights of a child should supersede any supposed rights of same-sex couples to officially recognised parenthood. However loving and however committed to the child, a same-sex couple simply cannot provide both a father and a mother to a child. It is true that many children grow up in one-parent families as a result of family breakdown. However, the best interest of the child is the key issue regarding this legislation.

The implications for children in a world of decaying families are profound. A recent article in the *Weekly Standard* described how the advent of legally sanctioned gay unions in Scandinavian countries has already destroyed the institution of marriage, where half of today's children are born out of wedlock. Ideology drives narrow self-interest groups, who aim to hasten genderless marriage by legislative stealth. We must always be alert to the increasing activism and lobbying of members of this Parliament, to avoid similar legislative disasters.

Although many members support sections of the bill, especially the financial property protections, inheritance rights and anti-discrimination measures, unfortunately I cannot support this bill because it is an anti-family measure that seeks to acknowledge the rights of lesbian partners to be regarded legally as partners. The removal of fathers' names from birth certificates is a retrograde step for future generations of Australians. Children have a right to a relationship with their fathers, or at least to be able to know of their existence and make contact with them as they progress to adulthood.

The bill is being pushed through the House with unseemly haste, and we hear that it is to be passed this evening. Many members would like a longer debate so that the views of the communities they represent can be better expressed, but I fear that will not happen. The Government has no intention of allowing full community debate on this issue and a great majority of the public think that is reprehensible. The hundreds, bordering on thousands, of emails, letters and phone calls are testimony to community opinion about the implications of the legislation.

Intergenerational connectivity between father and child is important to a person's wellbeing, peace of mind, and awareness of how they fit into the bigger picture. Many adults are torn emotionally when this basic human right is taken away from them. Children have a right to the knowledge and, if possible, the care and affection of their biological father. Every child has a mother and a father to create life. No-one can ever change this act of humanity regardless of scientific advances. The Government should be ashamed of legislating to remove fathers' names from birth certificates, even if it affects only a small number of children born as a result of in-vitro fertilisation. This legislation is an insult to fathers and children—in the name of tolerance and political correctness!

The minority in our community who follow alternative lifestyles should not be allowed to dictate to the majority. Birth certificates with two women's names are an affront to nature and our Christian values. I will not

vote to support legislation that denies children a true and accurate birth record. In all conscience I could not support this cruel theft of official recognition of biological parentage recognition. Therefore, I must oppose the entire bill in its present form. However, I look forward to the amendments to be moved by the Hon. Charlie Lynn and Reverend the Hon. Fred Nile.

Reverend the Hon. Dr GORDON MOYES [3.09 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 seeks to amend 57 regulations, Acts and other instruments of New South Wales legislation. Firstly, it seeks to amend the Anti-Discrimination Act 1977 by adding "domestic status" to "marital status", so that same-sex de facto relationships are included. This will align the Act with the Property (Relationships) Act 1984, which includes same-sex couples in the definition of de facto relationships. Secondly, the bill seeks to amend the Status of Children Act 1996 to extend to the lesbian partners of birth mothers the same parenting presumptions in relation to children born as a result of a pregnancy achieved via a fertilisation procedure, for example, in-vitro fertilisation. In addition, the bill seeks to amend various other Acts and instruments, such as the Births, Deaths and Marriages Registration Act 1995 and the Industrial Relations Act 1996.

I now turn to the implications and consequences for each of these Acts as they occur to me. The bill seeks to extend to de facto relationships all provisions that apply to spouses, and to clarify that when there are references to "a partner" in these Acts the term means "a partner of any gender". Under the Property (Relationships) Act 1984 a de facto relationship is defined as being a relationship between two adult persons who live together as a couple, and who are not married to each other nor related "by family".

The Government seeks to amend these 57 regulations, Acts and other instruments of New South Wales legislation in order to cease condoning what it describes as an established legal infrastructure that perpetuates social exclusion to any citizen based on their sexual partnership, and to treat children living in same-sex relationships as having the same rights and entitlements as children of traditional relationships. There is no question that I would support that objective. The Government says it wants to "ensure that lesbian parents can take parental responsibility for the children of their partners". However, how will the bill achieve this?

Firstly, the Government sees the bill as solving a number of problems, in that it requires both women's names to be placed on the birth certificate of a child born to one of them by assisted reproductive technology, making them legal co-parents. This would allow the non-biologically related woman, who lives with the mother, to have her role as co-parent sanctioned. She would be able to show the certificate to schools, hospitals, clinics, sports registration bodies, and other public institutions to prove her claim to that role—which would be much more practical and convenient for the family.

However, let us reflect on this for a moment. The same document will be the official birth certificate for the rest of that child's life, and would be shown repeatedly throughout his or her life, for instance when applying for a passport or drivers licence. Would not the presence of two female names on the birth certificate potentially serve to make the adult child vulnerable to deeply held prejudice—a prejudice that, even if outlawed, is unlikely to be completely eliminated? And if the adult child is called on to visit or work in one of our more traditional neighbouring countries where practising homosexuals are flogged or jailed, would not this birth certificate with two women's names on it call unwanted and even potentially dangerous attention to the holder? After all, Amnesty International reports that seven countries in the world—countries close to Australia—still have the death penalty for homosexuality.

Although Amnesty International recommends that "governments everywhere take all necessary ... measures to prohibit and eliminate prejudicial treatment on the basis of sexual orientation or gender identity at every stage of the administration of justice", the bill would require the adult child to carry evidence of that parental same-sex identity throughout his or her life, wherever he or she travelled in the world. Australia cannot protect them from the beliefs and practices found in other parts of the world. Any official document that attests to one's parents being homosexual has the potential to alienate the child from full participation in a society in which the child might choose to live. For whose convenience is it, then, that the birth certificate is used in this way—the child's, or the lesbian parents' during the child's fleeting years of dependency?

Currently, lesbian parents can obtain parental orders from the Family Court to provide this legal authority. Such orders can also preserve the guardianship status of the non-biological partner if the relationship breaks up or the biological mother dies. Therefore, it is clear that birth certificates do not need to be used in this way, as the parental orders from the Family Court cover the requirements. What else does the bill set out to do? It will go into effect at once—and retroactively—for children already born to lesbian couples, and will require

the removal of the biological father's name, together with all other identifying information, from the child's birth certificate, if the biological father consents. In cases where the biological father does not consent, the court can authorise it. This is because of the government policy that requires that a child have only two legal parents.

But is this the best way to go about it? Is erasing evidence of biological paternity the right thing to do? Modern scientific reproductive technology may allow us to forget that there even was a man involved, but is it the right thing for society to do—morally, ethically, and psychologically? Does it not further blind us all to the fact of the biological basis of our existence? You can leave the father's name out, but there was a father: there is always a father involved in the birth of every human being. The man's gift of sperm, that makes possible new life, should not be treated as a meaningless commodity. Society needs, more than ever, to reaffirm the role of fathers—not slowly work towards an erasure of their existence so that they are not even mentioned.

I ask the Attorney General to indicate in his reply his knowledge of and support for the growing movement of adult children of sperm donors who claim that the ability to access the information surrounding their biological genetic identity is a basic human right and that no-one—not even the Government—has the right to deny a child that information. It is a fundamental human yearning, and a legal responsibility to provide information about who our forebears were. These adult children explain that to systematically deny them knowledge of their origins offends the dignity of their humanity, and that all children are entitled to the truth. This heartfelt opinion is from children raised in a traditional male-female marriage. How much more troubling is it for children raised in a female only relationship, where erasure of male participation is complete? Those children deserve much better from us.

According to Trevor Jordan, Senior Lecturer at Queensland University of Technology, the more we learn about genetics, the more we realise that for a person to lack knowledge of their biological heritage is to be at a severe disadvantage. According to David Blankenhorn, author of "Fatherless America", artificial insemination by anonymous donors now accounts for 30,000 of the four million births each year in the United States. He argues that these births represent an extreme expression "of the idea that children do not need fathers".

The bill requires the terms "mother and father" to be omitted from section 18 of the birth certificate regarding parentage details, to be replaced by the term "both parents". In this way, the registration form could be used by people of unspecified gender. Is not this manipulation of the language something that George Orwell would have recognised? Let us not go the way he pointed to in his visionary novel *1984* when language was misused to achieve social outcomes. Babies are not conceived and born to couples of unspecified gender. They have a mother and a father—always.

Children have the intrinsic need to have and know their father as well as their mother. It is wrong to legitimise a means of producing children that intentionally denies the child a right to a father's love, protection, guidance, and genetic identity. Many studies worldwide have shown that children raised by same-sex partners rate worse in classroom behaviour, school achievement, and positive social participation. Even the studies that are somewhat positive about children raised by same-sex partners indicate the greater antisocial behaviour, anxiety, sadness, hostility and defensiveness—especially among boys of lesbian mothers. Other findings show that both boys and girls need the presence of, and interaction with, fathers in each psycho-social developmental phase of their lives in order to develop their personalities fully. Children need role models to learn how to become men and women. They learn from watching the adults they grow up with—male and female adults—especially their parents.

Another change planned by the bill would be to the Industrial Relations Act 1996, which would be amended to allow lesbian partners the same leave entitlements that are currently available to male employees in connection with the birth of their married or de facto partner's children. To accommodate lesbians the word "paternity" would be changed to "partner" and "partner leave" would be the term used for everyone. All this focus on lesbian couples is interesting, and is actually supported by statistics that reveal over three-quarters of the same-sex couples marrying in Massachusetts in the United States—the first American State that made it legal in 2004—were female couples.

But this is Australia. What are the populations of the lesbian and male homosexual communities here? The survey *Sex in Australia* carried out by Latrobe University in 2003 found that only 0.8 per cent of the Australian population identified themselves as lesbian and only 1.06 per cent as male homosexuals, which meant that over 97 per cent of the population identified themselves as heterosexual. The 2001 census reported 9,000 same-sex couples in New South Wales but there were fewer than 900 lesbian households having children, however conceived.

Another American study, launched in 1986, the largest prospective longitudinal investigation of lesbian families in the United States, is the National Lesbian Family Study, based in San Francisco where there was a "lesbian baby boom" in the 1980s. Since then the author has been able to track and study these families whose children were conceived by donor insemination. The study noted that many of the participating women "ceased identifying as lesbian" over the years and eventually married a man, at least one choosing to become male through gender reassignment, and others stayed together or broke up and re-partnered with a new woman—and that raises another question.

If a woman ceases to identify as a lesbian—which is apparently not uncommon according to the research—would she not regret that her child's birth certificate has a woman's name as legal co-parent? Does not such ceasing to identify as a lesbian tend to suggest that it has been a lifestyle choice rather than an orientation that one was born with? I believe it would not be prudent to change legislation and our language to accommodate all lifestyle choices. We are talking about changes to the very structural foundations of our society, which many of us believe are sacred and worth defending.

A new pattern that the study also brings to light is that in many cases the women have alternated bearing children. That means that the household has two women with their own children, not one woman who took on the traditional female role while the other took on the traditional male role. In other words, society cannot simply project onto this household the typical family structures and patterns found in the heterosexual community. For Centrelink's purposes, this household would currently be defined under the Social Security Act of 1991—I would encourage members of the Government and the Attorney General to listen to this carefully—as two single mothers with children and each mother would receive benefits. If the bill is passed, they would be required to disclose their de facto status and they would lose one set of benefits.

As people of faith, many of us feel strongly that every child needs two parents, including a mother and father, and that to purposely set about to deprive them of a father is unfair and could inflict profound psychological harm. We submit that "planned fatherlessness" is not in the best interests of any child nor society. However, so far we have been discussing only women, lesbians, their lovers and children. Why is that? Are there not male couples that have children in their homes? There is nothing in the provisions of the bill to address their situation. In fact, it does not even mention them. Is the bill an example of discrimination on the basis of gender and is not the bill anti-male? Most male couple families with children occur after a divorce from the woman who gave birth to them, although there are privately organised surrogacy arrangements as well. If the legislation is passed I am sure it will soon have to be amended to include male homosexual couples as well and there is little acceptance in the larger community of children being raised by male homosexual couples.

An additional change that the bill seeks to make is to amend all reference to marital status to read "marital and domestic status", which gives effect to the intent of the New South Wales Law Reform Commission's review of the Anti-Discrimination Act 1977. That means that people in the community cannot be discriminated against for being part of a homosexual couple, whether in housing, insurance, registered clubs, the provision of goods and services, education or work. But this also means—and I would ask the Attorney General to address this in his speech in reply—that day care centres, schools, married student housing, aged care facilities, nursing homes and other such community services run by religious organisations, who believe that homosexual relationships are wrong, would be forced to choose whether to close their doors, or violate their beliefs by providing their services to the couples whose behaviour they do not condone. Is that what we want to do in this society, where so many important and beneficial services to the larger community are run precisely by such traditional organisations?

Do we want to put all of these services and organisations out of business for the sake of a very small minority? Many people, whether of the Christian faith or of no faith at all, still believe that holy matrimony is a unique bond between one man and one woman, acknowledged and blessed by society, a bond which provides the bedrock and foundation of our social order. Agreeing with them, I think that parachurch organisations ought to be granted exemption from having to provide services to de facto heterosexual couples, as well as homosexual couples, and be allowed to honour their beliefs in the services they choose to provide and to whom.

The bill seeks to ensure that people living in same-sex de facto relationships are treated equally and share all the rights and responsibilities of other citizens. That sounds like social justice but if the bill comes into effect, many citizens who provide such services will have their freedom of religion, freedom of expression, and freedom to do business with whom they please violated. Although they far outnumber people in homosexual relationships, their integrity would be questioned. Is that result really about social justice? The bill sets one select and very small minority group's claims for social justice against the claims of the majority of the population.

We see in the media some religious leaders agreeing that many forms of discrimination are wrong in modern Western nations and they have been widely quoted as rejoicing in the recent ruling in California allowing equal marriage for same-sex couples. Some of these leaders are from mainstream Protestant denominations and some are from Reform Judaism. However, the more conservative denominations of Christianity and Judaism are locked together and do not perceive this as progress. They see it as a further erosion of our society's once sacred ideal of marriage, the home, motherhood and family. All those shared meanings are in the midst of being redefined.

The Same Sex Amendment Bill does not directly address the issues of homosexual marriage or adoption by same-sex de facto couples, about which many people feel strongly on both sides, but the rationale behind it comes very close and invites that progression of logic. I think it is only a matter of time when the set of changes contained in the bill will bring the day closer that we will be debating both of those concepts in this Chamber. And when we do, I will not be supporting either of those measures. I do not support the bill because the protections it supposedly offers are already available to lesbian parents who can obtain parenting orders from the Family Court and keep an up-to-date will—which any responsible parent should be doing.

Australia is a signatory to the United Nations Convention on the Rights of the Child, which states that the best interests of the child shall be a primary consideration by courts, legislators, and administrative authorities in all actions concerning children, including ensuring their "right to know and be cared for by both parents". We believe this bill is not in the best interests of children or of society as a whole and does not conform to the United Nations Convention on the Rights of the Child.

Children need a mother and a father in order to become well-developed people. Society needs to support, respect, and safeguard fatherhood from anyone who would undermine it. I close on a personal note. As a former Australian Father of the Year I take very seriously my responsibility to oppose this bill and I ask all honourable members as representatives of our society to acknowledge and safeguard fatherhood by voting against the bill.

The Hon. ROBYN PARKER [3.29 p.m.]: As the Hon. Marie Ficarra noted earlier, members of the Liberal-Nationals Coalition will exercise a conscience vote on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. This is a great opportunity for us as individuals and a great testament to our parties that we can agree to disagree. We will be able to exercise a conscience vote on an issue about which many members will spend a great deal of time searching their souls. We will do so in a collegiate way that acknowledges individual views and differences and supports the rights of the individual to hold a view without judgement.

As members of Parliament, we should respect individual differences and views on issues of this nature and on a range of legislation that comes before Parliament. I support this legislation. I want to place on record my reasons so that in the future my views will not be misinterpreted and people will be able to identify and understand why I came to that conclusion. As a member of Parliament I consider it of utmost importance to maintain my integrity. I value my integrity greatly, and the day I do not maintain my integrity is the day I should leave this place.

Some years ago when I was a TAFE teacher of child studies, the first exercise I set my class when we met for the first time was to get to know each other. I wanted to know about their origins, their life experiences and their motivation for wanting a career caring for children. I wanted to hear about their different family and cultural backgrounds. I did this so that the students would form a conclusion about what represented a family. The Australian Institute of Family Studies defines a "family" as a group of individuals related by blood, marriage, adoption or cohabitation. Interestingly, that is not dissimilar to the definition Reverend the Hon. Dr Gordon Moyes has given during his speech on the Legislation Review Amendment (Family Impact) Bill in 2005, when he said:

Ultimately, families are groups of people living under the same roof who have committed to living with one another because of an emotional and/or biological connection. The traditional definition of "family"—the nuclear family—is perhaps not as salient for our communities as it once was.

Reverend the Hon. Dr Gordon Moyes acknowledged the different family relationships and particularly the change in the definition of "family" over time. He hit the nail on the head when he said that the traditional definition of "family" is not as applicable today. In its simplest form, a "family" is a group of people who are committed to one another through an emotional bond. In some cases they have a biological bond, but the emotional bond is the overriding factor. Families take various structural forms, such as, same-sex parent

families, sole parent families, standard families, nuclear families and de facto families. I wanted my students to define "family" so that they would have an understanding from the beginning that the children they would care for came from a diversity of family backgrounds and experiences and that no one type of family is superior.

In the context of this bill, members will present arguments that contradict that position. Such arguments are heavy on emotion and light on evidence. As a TAFE teacher, I saw it as my responsibility to encourage my students to have empathy for all children and carers, regardless of their background, sexuality, ethnicity or psychological or physical development. Similarly, I see it as vital in my current role as a parliamentary representative to provide the same validation for parents and children and carry forward that same attitude when considering legislation. In my classroom, in spite of the differences in students' views about the definition of a "family", the overriding view was that children deserve to be nurtured in a warm, understanding and loving environment. Former United Nations High Commissioner for Human Rights Mary Robinson said:

Human rights are inscribed in the hearts of people; they were there long before the lawmakers drafted their first proclamation.

A very important piece of human rights declaration that we frequently refer to is the United Nations Convention on the Rights of the Child, which was ratified by the United Nations in November 1989. It is considered the most universally accepted human rights instrument in history and was ratified by 191 countries around the world, including and especially Australia. It sets out the basic standards for children's wellbeing at different stages of their development and is the first universally legally binding code of child rights in history. Article 2 of the United Nations convention requires children and families to be protected from discrimination; article 5 calls for respect for parents and the family "as provided by local custom"; and article 3 invokes the best interests of the child as the primary consideration in dealing with children. The convention spells out the basic human rights that children have without discrimination as the right to survival; the right to develop to the fullest; the right to protection from harmful influences, abuse and exploitation; and the right to participate fully in family, cultural and social life. It protects children's rights by setting standards in health care, education and legal, civil and social services.

If we consider this legislation from the perspective of the rights of children and with their wellbeing as our paramount concern, this legislation is in their best interests. Our laws should treat all family structures equally. Currently, same-sex family structures face inconsistency and discriminatory treatment. The reforms in this legislation promote the best interests of the child by providing for children in families where parenting is undertaken by same-sex couples. Legally recognising both parents means that they each can act with authority on day-to-day decisions about their child. I stress "their child" because they both identify as parents of the child. The National Children and Youth Law Centre states:

The best interests of the child will also be recognised when all families can access financial entitlements, when care is provided for in the event that one parent dies, or in circumstances where the relationship between parents ends.

The changes will give children the emotional and financial stability that comes with legal recognition of their families, particularly in times of illness, the death of a parent or the breakdown of a parental relationship. For example, the bill will give parental authority so that same-sex parents can give consent for medical treatment, sign permission notes and interact with schools. It will clarify who has custody of a child and who can be contacted when one parent dies or the parents separate. It gives children an automatic right to inherit property and superannuation on the death of a same-sex parent and confers on parents and children entitlements under State legislation, such as workers compensation. Therefore, it is giving children an opportunity for equality. It is giving the same-sex parents of children the right to parent in the way that heterosexuals have been able to. Without question, a parent will be able to give consent on authorities required by schools or for medical treatment.

It does not mean, as Reverend the Hon. Dr Gordon Moyes implied, that children will have to carry around their birth certificate forever to identify who their parents are, but at important times when that needs to be defined this legislation will give equality to children in having their next of kin identified, particularly when it comes to medical treatment. Imagine turning up at a hospital in an emergency with a sick child and not being able to authorise medical attention because, not being on the child's birth certificate, you are not identified as one of the parents.

The proposed legislation does not mean that when these children travel to other countries they will be discriminated against because they have same-sex parents named on their birth certificate. If they travel to another country they will have a passport just like everyone has. Children born into the same family will be recognised as equal siblings. Where they have different mothers they can then identify that they have the same

parents. It is extremely important to establish a family of related and cohabiting parents and children when it comes to the issue of inheritance. The bill will legally recognise as parents the female partners of women with children born from donor insemination. It will extend rights and obligations to de facto couples, including same-sex couples, and it strengthens the antidiscrimination protections by extending marital status grounds in the Antidiscrimination Act to marital or domestic status.

Some members who are opposed to any form of discrimination have spoken against this legislation. This proposed legislation is all about removing discrimination, yet those members cannot bring themselves to support it. They say it takes fathers out of the equation, but what they are really saying in not so many words is that they do not support a family that consists of two parents of the same gender, which is incredibly sad when we look at the sorts of discrimination this very simple legislation will remove.

Under current laws, for example, the female partner of a birth mother does not have a legally recognised relationship with her child. The bill will make the definition of "de facto partner" gender-neutral and it will apply retrospectively to benefit those children already born. My understanding is that the legislation will apply only to children who are born from artificial insemination into a partnership that already exists and that partnership will need to be demonstrated as such. It will not retrospectively remove fathers from a birth certificate. I have received hundreds and hundreds of emails—as no doubt other members have—from people who believe that this legislation will wipe out the names of fathers already identified on birth certificates.

My understanding is that the mother, the father or the co-parents can be identified on the birth certificate. The regulations may indeed talk about referring to parents as gender-neutral but there is still capacity on the birth certificate to state mother, father or parent. I note in the Minister's second reading speech that he made reference to that very point also. This legislation does not take a bottle of Wite-Out to wipe out a father's name from a birth certificate unless that person who is listed on the birth certificate as the father gives consent. I note the Minister says that under new parenting presumptions in the Status of Children Act the father's name will be removed only if the already registered father consents to the removal of his details from the birth certificate, if the court authorises the removal, or in certain other circumstances. Therefore, that removal will occur only if that person is not entitled to be recognised as the parent.

In some cases the father's name may have been put on a birth certificate just for the convenience of having a father listed there for the child. That person has to give permission for the removal of his name. If someone listed on the birth certificate as the father was the sperm donor only then could that person's name be removed and an existing relationship of two mothers caring for that child then registered. It is not a case of removing fathers.

The reality is certainly not the emotive position that has been presented over and over again—that this legislation will diminish the role of fathers. It will not diminish the role of fathers; it will not take fathers out of the equation. It is legally possible to have sperm donations and it is legally possible to have artificial insemination. Therefore, that legality has already been established. How can fathers be wiped out suddenly by this legislation? If a child is born by artificial insemination the child is able to access that information through the register—legislation to that effect was passed in this House quite recently. Children are able to access that donor information, but a position that many members seem to adopt and the number of emails I receive seem to suggest that fathers should be listed and every child has a right to have a father listed on a birth certificate. I believe that would be quite detrimental to the artificial insemination register and the availability of donors because donors will think twice about what the legal implication will be if that becomes essential.

This legislation recognises a situation that already exists but as well it removes discrimination by giving the children of same-sex parents and their parents legal representation and ability under the law to receive the same sorts of rights as families where there is a mother and a father. This is not world-breaking legislation: these changes have been introduced already in Western Australia, the Northern Territory, the Australian Capital Territory, and, most importantly, New Zealand. Victoria is proposing to do the same thing with its reforms. These reforms will change the definition of parents to include de facto partners and same-sex partners in 50 different pieces of legislation where there is currently discrimination.

The legislation is significant: it will ensure that same-sex partners are included in all sorts of definitions in relation to de facto partners and legislation; it will provide consistency where there is no definition; and it will change the definition of parental leave and make sure that it applies to male and female spouses. Statistics have been mentioned and I want to quote a few of my own. The 2006 census conducted by the Australian Bureau of

Statistics showed that same-sex parenting is increasing, with more than 4,300 children living in same-sex families in Australia and more than 1,500 in New South Wales, and that 20 per cent of lesbians and up to 10 per cent of gay men are already parenting.

With the increasing numbers and community acceptance of same-sex relationships, debate has often turned to the development of children. Members have quoted a number of studies today referring to the development of children. One project undertaken by researchers from the University of Virginia and the University of Arizona published in *New Scientist* involved one of the largest studies on this topic. Researchers interviewed 12,000 United States teenagers and their families and their report provides the best available evidence about how adolescent children fare in families with same-sex parents. They found no differences between the two groups with regard to depression, anxiety, self-esteem and school grades. Researchers said that the most important predictor of the wellbeing of teenagers was their relationship with their parents regardless of family type.

Similarly, a review of research literature dealing with the health and wellbeing of children in lesbian-parented families undertaken by a research team from Melbourne University and La Trobe University found that over the past two decades increasingly complex investigations have consistently shown that, first, lesbian parents and their children are as emotionally and socially well adjusted as their heterosexual peers; secondly, that children have similar gender identity development and gender role behaviour; thirdly, that the sexual orientation of the children shows the same distribution as in the broader population; fourthly, that personal development such as intelligence, basic personality, self-esteem and moral judgement are no different; fifthly, that social relationships with peers and adults of either sex are no different; and, sixthly, that relationships with parents are no different. The study is also supported by findings released by the Federal Parliament's Social Policy Group. The group's research paper on the children of lesbian and single women parents states:

With regard to lesbian parenting, studies tracking the long-term progress of children of lesbian mothers have revealed no significant differences between them and the children of heterosexual mothers along any of the following key developmental dimensions:

- Gender development: children of lesbian parents are no more likely to have confused or unconventional gender identity or behaviour, or to have gay or lesbian sexual orientation.
- Self-esteem and emotional wellbeing: the behaviour, intelligence, psychiatric and emotional condition of children of lesbian parents is within the normal range.
- Social development: children of lesbian parents are within the normal range of confidence, and have positive peer relationships. They are no more likely to be teased or bullied than children of heterosexual mothers.

I am not sure about that. The more we express concern about legislation like this the more we are encouraging such discrimination. We are certainly encouraging an environment in which children will be teased and bullied. Rather, we should acknowledge the existence of these family relationships and validate them. A range of interest groups has made representations to me about this bill, and I will share some of their views. The Australian Christian Lobby sent me a letter, which states:

The Australian Christian Lobby is concerned that the commonsense, biologically correct idea that presumes a child has one mother and one father could disappear from NSW law. It is a form of social engineering that ignores the overwhelming social research that says kids do best when they have a mum and a dad.

Others argue that birth certificates are legal documents and that these changes will reflect the legal relationship the child has to his or her parents. When parents adopt a child, the child is provided with the names of his or her adoptive parents regardless of the child's biology.

After reviewing many points of view about this legislation, I must say that it is not social engineering to acknowledge and validate children in such family relationships, to acknowledge and validate the rights of the child, or to acknowledge and validate the overwhelming research that suggests that children grow up in a balanced and positive way regardless of their parenting, regardless of who their parents are and regardless of their parents' sexual preference. The overriding factor is the love, nurturing and care they receive. That is why we have the United Nations Convention on the Rights of the Child. This legislation reflects the broad scope of family life in Australia that we should recognise, celebrate and embrace. We should recognise the rights of same-sex parents and their children to live a life that is free from discrimination. They should enjoy the same rights and responsibilities enjoyed by heterosexual couples.

I referred earlier to the definition of a family. I reiterate my very strong view that this legislation acknowledges the rights of children and parents, but it in no way diminishes the rights of fathers or removes fathers from the equation. Indeed, it acknowledges our diversity. Kofi Annan said:

If tolerance, respect and equity permeate family life, they will translate into values that shape societies, nations and the world.

He said further:

Let us all reaffirm our commitment to improving the well-being of families throughout the world. The ways in which families are formed, function and evolve vary greatly from country to country, as do perceptions of the family's role in society. But in any culture, the family provides the natural framework in which individuals—especially children—receive the emotional, financial and material support indispensable to their development. It is within the family that children learn the values that will guide them for the rest of their lives. It is within the family that they form their earliest relationships, learn to communicate with others and interact with the world around them. It is within the family that the notion of human rights becomes a reality lived on a daily basis.

I repeat: "If tolerance, respect and equity permeate family life, they will translate into values that shape societies, nations and the world." The bond that links the true family is not one of blood but of respect and joy in each other's lives. I support this legislation and I encourage other honourable members to do the same.

The Hon. RICK COLLESS [3.58 p.m.]: I take a different view from that expressed by my colleague the Hon. Robyn Parker, and that of course is my right, given that the Coalition has allowed its members a conscience vote on this bill. When such controversial issues come before this House I like to look at the science behind them before I consider anything else, including ethical matters. Of course, in this case the science tells us that every person on the planet—in fact, every living organism—has a mother and a father. Conception itself is the result of the union of a male sperm cell and a female ovum cell. That cannot be changed; it is science.

A birth certificate provides the details of a person's birth, and that should include details of the child's biological mother and biological father. I do not have any problem with the concept of a parenting certificate, which would deal with all the issues that have been raised in support of this legislation. A parenting certificate would provide details of a family's parenting arrangements—and families are all about parenting. However, that does not change the fact that the birth certificate should remain a birth certificate.

The details of the biological mother and father should remain on the birth certificate. I am concerned that the non-inclusion of such details on the birth certificate will create some problems for the growing child. How many children throughout the world who have been adopted at birth have spent many years, in some cases more than half their lives, trying to find their biological parents? This bill will make it even more difficult for children to find their biological parents. We should be making it easier for people to find missing family members, not more difficult.

Birth certificates are the primary record-keeping tool for genealogists in developing family histories and family trees. Genealogy is important to many families and for our nation's historical record-keeping. On the topic of genealogy it is worth noting that in the stud animal breeding industry the sire and dam of a particular animal must be recorded on its birth certificate for two generations.

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

MR MARK STANDEN ALLEGATIONS: INDEPENDENT COMMISSION AGAINST CORRUPTION REFERRAL

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Attorney General. Who made the referral to the Independent Commission Against Corruption [ICAC] following allegations about one of the assistant directors of the New South Wales Crime Commission being involved in the importation of materials used in the production of illegal drugs? Exactly when was this referral made? What are the terms of the referral? Has the ICAC been asked to only consider matters relating directly to the arrest of this Crime Commission officer or has the ICAC been asked to consider other inquiries in which this officer has been involved, including Operation Emblems and Operation Box? If the Government has written to the ICAC in relation to this matter, will the Attorney table the correspondence sent to the ICAC that sets out the scope of the referral?

The Hon. JOHN HATZISTERGOS: I understand this matter has been referred to the Independent Commission Against Corruption [ICAC] for review. I am advised that because of the serious nature of these allegations the Minister for Police has asked the ICAC to review the Crime Commission's systems and processes and make any necessary recommendations for reform. The ICAC and investigations of Mr Standen are the appropriate forums for the complex issues involved in the case to be fully examined.

PUBLIC SCHOOLS BUDGET

The Hon. PENNY SHARPE: Will the Minister for Education and Training outline to the House the Government's increased investment in capital works and maintenance in New South Wales public schools?

The Hon. JOHN DELLA BOSCA: Public schools and TAFE institutes across New South Wales will benefit from a record investment in capital works and maintenance as part of the 2008-09 State budget. A record \$733 million will be spent on providing new and upgraded school and TAFE facilities and information technology. That is an increase of \$116 million—or almost 19 per cent—on funding for the previous financial year, representing a 19 per cent increase in our investment in new and upgraded school and TAFE facilities and information technology. In addition, the Iemma Government will be committing a record \$267 million on public school and TAFE maintenance—an overall increase of \$11 million. However, the State component of maintenance spending has increased by \$16 million. This includes \$31.5 million for our accelerated maintenance program, which will deliver up to 1,300 projects such as internal and external painting, roof repairs, recarpeting and asphalt repairs.

On average, we will be spending more than \$2.7 million a day on capital works and maintenance to improve education and training. Major capital works will include the start of 16 major new school building projects including projects at Carenne School in Bathurst, Casino Public School, East Hills Boys, East Hills Girls and Kempsey High School; 12 TAFE building projects, including the upgrading of facilities at Granville, Hamilton, Macquarie Fields and Temora; the continuation of work on 42 major building projects at schools, including Bowraville Central, Floraville, Helensburgh, Tumut and Woollahra public schools and Caringbah, Coffs Harbour and Tweed River high schools; and the completion of two new primary schools in Elderslie and Middleton Grange and a new high school in Rouse Hill as part of our public-private partnership arrangement. This massive investment will enable the Iemma Government to meet its commitments to students and families to deliver world-class education in clean, safe and efficient schools and TAFE colleges.

The budget reinforces our commitment to provide students and staff with better services and new investment in infrastructure. Other projects will involve construction of 20 new school halls and gyms; the completion of work on new trade schools at Nambucca Heads and Jamison; upgrades of food technology units at eight high schools; and toilet upgrades at 52 schools to improve amenities for students. These works are part of a record \$11.8 billion education and training budget. That is an increase of 5.5 per cent on the previous year. It is another increase for education and training above the rate of inflation because Labor governments are committed to education and training.

The investment in capital and maintenance outlined here is backed by investments in our dedicated teaching and school support workforce. During the next four years \$31 million will be spent to enhance the quality and retention of permanent new teachers by providing extra support in their first year of teaching. This is in addition to the \$36 million spent each year on the Teacher Professional Support Program. We now have the advantage of a cooperative Commonwealth administration, and this will allow the Iemma Government to achieve even more in improving education and training across the State.

NEW TIMBER BRIDGE PARTNERSHIP PROGRAM FUNDING

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Roads, and Minister for Commerce. Is the Minister aware that Premier Morris Iemma last year set up a rural and regional task force, the membership of which included Dr Col Gellatly, Mr Richard Torbay and Mr Steve Whan, whose report's key recommendation was that funds be immediately allocated to unsafe timber bridges on rural school bus routes? Beyond the funds already announced last year and re-announced this year for the Timber Bridge Partnership Program, will the Minister indicate where in the budget this recommendation is addressed and new funding allocated?

The Hon. ERIC ROOZENDAAL: On 1 February I announced that a further 30 bridges would be upgraded under the Iemma Labor Government's Timber Bridge Partnership Program. The Government is

delivering on its \$60 million commitment to repair and upgrade timber bridges around New South Wales. The program is about improving infrastructure and road safety for local motorists. In total 157 bridges are now included in the program. Each bridge has been identified for inclusion in the program on the basis of sound criteria, including safety and bridge condition, level of use by heavy vehicles and the strategic importance to the local economy for freight and tourism.

The New South Wales Government recognises this is an important issue for regional New South Wales. As I have previously indicated to the House, I have received many representations from Country Labor members of Parliament, Independent members and regional mayors to talk about funding for the country timber bridges program. The Government has listened and is now making real progress in delivering improved timber bridges across the State. This partnership is a great example of State and local governments working together to improve local infrastructure and to boost services upon which rural communities rely. Funding is provided on a 50:50 matching basis with local councils.

Many bridges are now under construction: the Gloucester Bridge on Thunderbolts Way; Black Gully near Garah in Moree Plains; Genaren Creek on the Peak Hill to Tullamore Road; Merri Merri Creek on the Warren to Carinda Road; Genderman Creek on the Wisemans Ferry Road; three bridges over Lignum Creek on the Barham to Maude Road; Bishops Creek on the Lismore to Murwillumbah road, and many more. Planning is well advanced on many others, with an early start on their replacements anticipated. The Roads and Traffic Authority is continuing to work with councils to identify other priority bridges eligible under the program. In addition, in 2008-09 more than \$153 million is being provided to councils across New South Wales under the REPAIR program and block grant scheme for regional roads.

GARRAWARRA HOSPITAL CROWN LAND

Ms SYLVIA HALE: I address my question to the Minister for Lands. Have there been, or are there currently, any negotiations or discussions occurring between the Department of Lands and any party or parties regarding the possible sale or leasing of Crown lands adjacent to Garrawarra Hospital south of Waterfall? If so, with whom or with what identity is the department negotiating? Are the negotiations or discussions in accord with the lands assessment process? If there is no intention to lease or sell this Crown land, will the Minister add this land to the Garrawarra State Conservation Area?

The Hon. TONY KELLY: I thank the member for her question, which I will take on notice and give her an answer as soon as I can.

PRIMARY INDUSTRIES BUDGET

The Hon. CHRISTINE ROBERTSON: My question is directed to the Minister for Primary Industries. Can the Minister inform the House what the Government is doing to help the State's primary industry producers in this year's budget?

The Hon. IAN MACDONALD: I am proud to inform the House that the Government continues its commitment to rural and regional New South Wales in this year's budget. It should be no surprise that the Government has again invested heavily in the State's primary industries sector. The 2008-2009 budget backs our primary industries to the tune of \$467 million worth of operational and capital works that will be invested across New South Wales from one end to the other. In these areas our primary industries provide a rigid backbone for local and regional economies. Our investment will ensure our diverse primary industries remain among the most profitable and sustainable in the world.

The Hon. Duncan Gay: How much of the investment is current?

The Hon. IAN MACDONALD: The details of the budget reflect this. The allocation of \$467 million is focused on fostering continued productivity and sustainability improvements for our agriculture, fisheries, minerals and forestry sectors. There is also acknowledgement that to achieve this we must continue world-class research here in New South Wales. Hence, we continue to fund New South Wales Department of Primary Industries science projects to ensure we have the latest and best information on which to base our decisions.

The Hon. Duncan Gay: What about actual drought funding.

The Hon. IAN MACDONALD: It is up over \$390 million now.

The Hon. Duncan Gay: How much is actually going to the farmers?

The Hon. IAN MACDONALD: Heaps.

The Hon. Duncan Gay: And how much is staff and recurrent funding?

The Hon. IAN MACDONALD: Nothing.

The Hon. Duncan Gay: Rubbish!

The Hon. IAN MACDONALD: I invite the Deputy Leader of the Opposition to raise this again at the estimates committee hearings this year. He has got nowhere with it over the last six years. He might find a magic bullet on the way to Crookwell. In the wake of the equine influenza crisis, biosecurity features in this budget, along with further help for drought stricken farmers and land managers meeting the challenges of climate change. Our investment in biosecurity ensures that New South Wales is best placed to respond to any exotic disease incursion and minimise the effects felt by industries. It is about building on the lessons learned from the equine influenza outbreak—a catastrophic result of the old Howard Government's rundown biosecurity system. We all await the presentation of the Callinan report.

The 2008-09 State Budget includes a multimillion-dollar upgrade of biosecurity facilities at the Government's Elizabeth Macarthur Agricultural Institute laboratory near Camden. I am happy to inform the House that the Government will spend \$43.25 million over the next five years as part of a massive investment in the State's capacity to respond to exotic disease incursions. In total, \$134 million has been designated to enhance the State's biosecurity measures, to improve our disaster response capacity for flood and fire events, pest, disease and weed control, as well as to implement programs to help farms to meet the challenges of climate change. Those who work in primary industries and are suffering at the hands of the worst drought on record have not been forgotten. This budget provides funding to continue the great work of the Drought Support Worker Program. The Government has already committed well over \$390 million.

The Hon. Duncan Gay: Will there be any help for rural land protection boards?

The Hon. IAN MACDONALD: I will have major announcements about that soon. Also, \$138 million will be spent on cutting-edge science and research into climate change, water use efficiency, reduced pesticide and chemical usage, and the discovery of healthier foods for the people of New South Wales and beyond. A \$24.1 million package has been identified for expenditure on infrastructure and capital. This includes maintaining and upgrading research facilities, including Port Stephens, and the purchase of new plant and equipment and enhanced communications and information technology infrastructure.

The State's fisheries industry will benefit from a \$67.4 million allocation to manage the sustainable commercial and recreational use of fisheries resources in New South Wales, the conservation of aquatic biodiversity and the sustainable development of the aquaculture industry. We will expand mineral exploration in New South Wales and invest \$52.9 million in the State's mining industry. A key part of this budget is an additional \$16.5 million, which will be spent on the highly successful New Frontiers exploration initiative. *[Time expired.]*

The Hon. CHRISTINE ROBERTSON: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. IAN MACDONALD: I will very briefly. I am proud to inform the House that the Government will extend this important New Frontiers Exploration Program until June 2011 at \$5.5 million a year. It will help us explore new opportunities in underexplored parts of New South Wales so we can further expand our mining industry, which brings enormous benefits to our State. The budget will deliver in spades to the people of New South Wales, our primary industries and the future of our great State.

GAMBLING

Reverend the Hon. Dr GORDON MOYES: My question is directed to the Minister for Primary Industries, representing the Minister for Gaming and Racing. Is the Minister aware of endemic poker machine gambling in south-west Sydney, with some families in Fairfield spending a staggering three-quarters of their disposable income each year on gambling, and that \$1.5 billion is lost each year in Sydney's west on gambling?

Is the Minister aware that suburbs with gambling addiction rated as the highest, such as Bankstown, Canterbury, Ashfield, Auburn, Fairfield, Marrickville, Burwood and Penrith, are the same neighbourhoods in which last year record numbers of homes were repossessed and in which some of the State's richest hotels were collecting approximately \$200,000 per poker machine? Given the strong public opinion and rising community concerns about gambling and its negative ramifications on working-class families, when will the New South Wales Government declare a strategic approach to gambling addiction and hold a statewide gambling summit to show its commitment to solving this growing crisis?

The Hon. IAN MACDONALD: I will relay the question to the appropriate Minister and get an expeditious response.

FUEL SUBSIDY

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister representing the Premier. Given the enormous impact that Queensland fuel subsidies have on jobs and families in northern New South Wales, why did the New South Wales Government fail to make a submission to the Queensland Government's recent inquiry into the future of the subsidy? What warning did Queensland Premier Anna Bligh give that New South Wales motorists will be left stranded, paying an extra 8.35¢ a litre for petrol? What is the Minister doing to protect our livelihoods and living standards by fighting for the rights of New South Wales citizens in cross-border communities near Queensland? Will the Minister immediately guarantee the future of the New South Wales petrol shading scheme, which is the only support our regional community gets, in the battle to stay competitive with Queensland?

The Hon. Duncan Gay: And is it constitutionally legal?

The Hon. JOHN DELLA BOSCA: Interjections are always disorderly, but one asking for a legal opinion is disorderly on two counts. I thank the member for her important question. It refers to a number of matters, including the subsidy arrangements that exist in Queensland in relation to petrol pricing, which are largely paid for by New South Wales taxpayers. I am very happy to refer the question to the Premier, who I am sure will give a prompt answer.

REGIONAL BUDGET

The Hon. TONY CATANZARITI: My question is directed to the Minister for Rural Affairs, and Minister for Regional Development. How will the New South Wales Government support regional New South Wales through the budget?

[Interruption]

Members of the Opposition will not ask a question on the budget so someone has to.

The Hon. TONY KELLY: I thank the honourable member for his question and also for his interjection. The budget of the Iemma Government has again demonstrated that rural and regional New South Wales is at the centre of government policy making. While The Nationals tear themselves apart deciding whether to finally and completely capitulate to the Liberals and merge, we are getting on with the job of delivering for country New South Wales.

The Hon. Greg Donnelly: What about their conference booklet?

The Hon. TONY KELLY: The conference booklet with only half a page on primary industries and trade—subjects that rated only four mentions at The Nationals conference? We are delivering \$7.1 billion in today's budget to be invested in rural hospitals, schools and roads. This Government spends more per capita on regional and rural residents than on their counterparts in Sydney. More than 45 per cent of capital spending is outside of Sydney in rural and regional New South Wales, where only 41.5 per cent of the State's population live. This budget is not only a Labor budget, it is also a Country Labor budget. A record \$3.1 billion, or 77.5 per cent, of the budget of the Road and Traffic Authority is committed to rural and regional roads.

I can distinctly remember in one of the first Carr Government's budgets The Nationals asked the Government to make sure they maintained the 60-40 per cent split on delivering road budgets to country New South Wales. I am pleased that the Government did not maintain the 60-40 per cent split but has increased it to

77.5 per cent. This is an additional \$500 million or 19 per cent increase on last year's budget allocation. This is the sort of rural and regional budget that The Nationals can only dream of. The truth is the Liberal Party would never allow them to have it.

Public schools and TAFE colleges in rural and regional areas will receive more than \$44.6 billion as part of the Iemma Government's record education and training budget, which will help ease skills shortages. The budget includes \$89 million for initiatives such as a distance education program and a rural grant scheme, and an estimated \$121 million for maintenance programs in rural and regional schools and TAFE colleges. Policing in regional areas will receive a \$6.9 million boost, with work to be completed on the upgrade of the Dubbo, Orange and Wagga Wagga police stations in the next financial year. Construction work will continue on police stations throughout the State as part of a \$133 million investment in major works, including \$6.1 million at Kempsey, \$5 million at Lake Illawarra, \$44.3 million at Raymond Terrace, \$9.3 million at Windsor and \$7 million at Wyong.

Today's budget is a demonstration of the Iemma Government's strong commitment to growing investment and jobs in regional New South Wales, with \$44.8 million allocated to drive regional economic growth. The Government will continue to give priority to attracting new business investment in jobs in regional areas, building on our track record of securing investment for regional New South Wales. The funding to regional development is expected to assist some 2,900 businesses, 200 investment projects and 40 communities in regional New South Wales in the coming year. Today's budget has given rural and regional New South Wales a firm basis of future growth. The Iemma Government has delivered a budget that will continue to achieve our goals in attracting investment, supporting job growth and delivering better services for people living in rural and regional New South Wales.

MR MARK STANDEN ARREST

NEW SOUTH WALES CRIME COMMISSION OPERATIONS

Reverend the Hon. FRED NILE: My question is directed to the Attorney General, representing the Minister for Police. Is it a fact that Mr Mark Standen, a former customs officer and currently Assistant Director of Investigations for the New South Wales Crime Commission, was arrested yesterday at his office desk for alleged involvement in a \$120 million international drug conspiracy? What impact has the arrest had on the ongoing investigation by the New South Wales Crime Commission? What steps are being taken to restore the credibility of the New South Wales Crime Commission?

The Hon. JOHN HATZISTERGOS: I do not represent the Minister for Police but I will refer the question to him.

LANYON DRIVE UPGRADE

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Roads, and Commerce. Is the Minister aware that the 2008-09 New South Wales budget allocates funding for planning of the duplication of Lanyon Drive from Tomsitt Drive to the Monaro Highway, but allocates no funding whatsoever for commencing works for this critical project despite repeated promises that these works would commence last year? Is the Minister also aware that the budget papers failed to identify a start or completion date for the project? Can he clarify when actual physical work on the project will commence and what total funding will be provided by New South Wales?

The Hon. ERIC ROOZENDAAL: I am advised that the Lanyon Drive project will have a total cost of around \$23 million and is jointly managed by Roads ACT and the Roads and Traffic Authority. The New South Wales Government has already committed \$8 million to the project and I understand the Australian Capital Territory Government will contribute \$7.5 million. The Australian Government has also committed \$7.5 million to get the upgrade and duplication of Tharwa Road-Lanyon Drive started.

The work includes a duplication of the road to the south of the existing road, together with duplication of the railway bridge at the Australian Capital Territory-New South Wales border. The upgraded road will better serve the traffic demands of residents in the area and improve safety conditions. It will improve safety and the quality of life for the Jerrabomberra community, as well as provide a boost to the local economy. I look forward to keeping the House updated on the progress of this important project.

ATTORNEY GENERAL'S DEPARTMENT BUDGET

The Hon. HELEN WESTWOOD: My question is addressed to the Attorney General. What is the latest information on the New South Wales Government's investment in the legal system and programs to reduce re-offending?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for her question. The Lemma Government's allocation of \$797 million for the Attorney General's Department in the 2008-09 financial year is a record budget for the people of New South Wales. In 2008-09 the Government will fund a number of important initiatives, including \$5.8 million in programs to help reduce the rate of re-offending by 10 per cent by 2016. Included in this amount is \$1.9 million to continue and expand the successful Forum Sentencing Program, formerly known as Young Adult Conferencing, which gives victims of crime a say in sentences; and \$3.5 million in drug and alcohol treatment programs, such as the Adult Drug Court, the Compulsory Drug Treatment Correction Centre and the Youth Drug and Alcohol Court, to help break the drug-crime cycle.

One of the highlights of the budget has been \$50.9 million in capital expenditure, which will seek to ensure that the New South Wales court system remains the best in Australia. New South Wales has the smallest backlog of cases in any State or Territory, despite the fact that we handle more cases than any other jurisdiction. The investment this year of \$50.9 million will go towards maintaining and improving this infrastructure for the people of New South Wales. This is part of \$250 million over 10 years to implement the Government's plan to improve access to justice services, particularly for people with disabilities; refurbishing and expanding existing courthouses to provide modern facilities for the delivery of justice services; providing better facilities for jurors and people using the courts; and delivering other initiatives, like the construction of alternative dispute resolution facilities.

In 2008-09 the injection of funds will modify existing courthouses and upgrade our information technology infrastructure to provide enhanced services. A \$2 million super-sized civil courtroom will be built for the Supreme Court of New South Wales. The new 220-square metre civil courtroom will be almost twice the size of a standard courtroom. It will be able to comfortably accommodate hearings involving a large number of barristers and lawyers such as in the C7, HIH and One.Tel cases. The courtroom upgrade will form part of a two-year redevelopment of the ninth floor of the Queens Square Law Courts in Sydney's central business district. This project is just one of the many courtroom upgrades to be funded in the next financial year.

Almost \$13 million has been allocated for a comprehensive upgrade of Parramatta courthouse. The courthouse will receive a new roof, cell complex, a purpose-built Drug Court registry and additional security facilities. Videoconferencing technology will also be upgraded in four of the building's courtrooms. More remote witness facilities will be installed and upgraded in New South Wales courts following a \$3.25 million allocation in 2008-09. These facilities will enable vulnerable witnesses, such as sexual assault victims, to give evidence via closed-circuit television from a private location.

Other projects to be funded in 2008-09 include \$2.5 million for a new cell complex at Goulburn courthouse; \$2 million to complete the Dubbo courthouse upgrade; \$1.5 million to the New South Wales Sheriff's Office for additional security and 23 new sheriff's officers; \$1 million for an upgrade of Gosford courthouse that will include better facilities for juries and people with a disability; and \$1 million for the upgrade of electronic security systems at 10 courthouses, including Newcastle, Tamworth and Griffith. The 2008-09 budget is good news for the people of New South Wales. It translates into continued delivery of these essential public services, building on the budgetary achievements of the last financial year, and ensures that access to justice remains a New South Wales Government priority in the future.

MR BASILIO REYES 457 VISA EMPLOYMENT

457 VISA TEMPORARY EMPLOYMENT SCHEME

Ms LEE RHIANNON: My question is to the Minister for Industrial Relations. Is the Minister aware that Mr Basilio Reyes, a former chef for Sombreros Mexican restaurant in Cronulla, was sacked by the restaurant owner after taking time off to receive cancer treatment and that, as a result, he is now homeless and unemployed? Are you also aware that Mr Reyes was brought to Australia under the 457 visa scheme, which requires employers to pay the medical bills of the people they sponsor and that the Sombreros owner, Johnny Pikios, has refused to pay \$7,000 in medical bills incurred by Mr Reyes? What actions will the New South Wales Government take to ensure that Mr Reyes' bills are paid? Considering the problems this case reveals with the 457 system, what changes is the New South Wales Government advocating that the Federal Government should make to this guest workers scheme?

The Hon. JOHN DELLA BOSCA: Although I am familiar with the substance of this case, I am not familiar with all the details that Ms Lee Rhiannon referred to in her question. I am not familiar with Sombreros Mexican restaurant; I have never been there. I have heard of the case of Mr Reyes, which is a sad one. I will get

information from the Office of Industrial Relations about compliance issues and whether any further action can be taken on Mr Reyes' behalf and come back to the House with a response as soon as possible. The second part of the question relates to the Government's position in relation to 457 visas. That is a Federal program. The New South Wales Government has offered views to previous Federal administrations about that. Undoubtedly, at the appropriate time, we will offer similar views to the new Commonwealth Government, from which we expect a better and more sensible response.

DEPARTMENT OF PRIMARY INDUSTRIES VACANCIES

The Hon. RICK COLLESS: My question without notice is addressed to the Minister for Primary Industries. Can the Minister confirm that no agronomists are currently employed by the Department of Primary Industries in Moree—the centre of the most productive agricultural local government area in Australia and the shire where close to a third of residents are employed in agricultural enterprise—after the recent departures of two agronomists? Can the Minister provide details of when the two vacant positions created through these departures will be filled, if they are to be replaced? Can the Minister provide details of the interim measures that have been put in place to serve the needs of Moree farmers until these appointments are made?

The Hon. IAN MACDONALD: I have had a number of similar questions in the past following the resignation by agronomists or other Department of Primary Industries staff in various areas. As to the process of filling those positions, Moree is an important rural centre and an important part of our primary production. We will endeavour to fill those positions as soon as possible.

ROADS BUDGET FUNDING

The Hon. LYNDIA VOLTZ: My question without notice is addressed to the Minister for Roads. Can the Minister update the House on Roads funding in the Iemma Government's 2008-09 budget?

The Hon. ERIC ROOZENDAAL: Today the Iemma Government delivered the biggest Roads budget in this great State's history—\$4 billion. That is an 11 per cent increase on last year, or an extra \$400 million, to help deliver new, better and safer roads. The Iemma Government is getting on with the job of delivering new roads infrastructure for the people of New South Wales. The budget has a strong focus on road safety, as well as massive investment in road infrastructure construction and maintenance. The Iemma Government is delivering \$1.8 billion in road infrastructure projects this year—up \$300 million. We are delivering \$1.02 billion for the maintenance of New South Wales roads. The Iemma Government is investing more than \$3.1 billion, or 77.5 per cent of the Roads and Traffic Authority's capital and maintenance program, in regional and rural roads. We are investing \$613 million in the Pacific Highway. That is 15 per cent of the entire New South Wales Roads budget. The Iemma Government is investing a record \$141 million in road safety initiatives—up \$17 million. Local councils will get \$153 million to help them manage their road networks.

Road safety is a top priority for the Iemma Government. That is why we have allocated a record \$141 million to road safety initiatives. The Iemma Government understands the community's concerns about road safety. That is why we will target speeding, drink driving and fatigue, as well as implement new programs aimed directly at younger drivers. This budget will see the completion of major roads infrastructure projects in the next year including: the \$25 million widening of the Great Western Highway between Leura and Katoomba; the \$42 million Alford's Point Bridge duplication; the \$245 million Bonville bypass on the Pacific Highway; and the \$42 million upgrade of the Central Coast Highway north of Ocean View Drive at Wamberal. The Iemma Government is investing billions of dollars in new and improved roads infrastructure for the hardworking families of New South Wales. I do not have enough time to list every project for the House, but here are some worthy highlights. The Government has allocated \$40 million to continue the \$295 million rollout of the Sydney strategic bus priority network. It is important to encourage people onto public transport.

The Hon. Jennifer Gardiner: What do they do when they get on the public transport? They get squeezed to death.

The Hon. ERIC ROOZENDAAL: You would know, coming from Glebe! The Iemma Government has allocated \$15 million to continue work on the \$100 million Pinch Point Program to improve travel times along key Sydney routes; \$65 million on improvements to Sydney's motorway network, including \$8 million for a new pedestrian bridge at Falcon Street; \$570 million to continue the Federal duplication of the southern Hume Highway, including construction of the Coolac bypass and the duplication of Sheahans Bridge at Gundagai; and \$85.3 million to continue the \$560 million upgrade of the Great Western Highway to four lanes between Emu

Plains and Mount Victoria. A record \$114 million has been allocated to roads spending on the Central Coast. Further, there is \$51 million to continue widening and upgrade projects on Camden Valley Way, Cowpasture Road and Hoxton Park Road; \$30 million in joint State-Federal funds to substantially advance the widening of the F3 freeway to six lanes between Mount Colah and Cowan; \$18 million to continue construction of the federally funded Moree bypass on the Newell Highway; \$15.8 million to complete construction of the federally funded Weakleys Drive interchange on the New England Highway; and \$10 million to complete the Mamre Road-M4 overpass duplication project. The Iemma Government is getting on with the job of delivering new and improved roads infrastructure for the hardworking families of New South Wales.

GM CANOLA COMMERCIAL CULTIVATION

Mr IAN COHEN: My question without notice is directed to the Minister for Primary Industries. Can the Minister indicate whether the advice of the New South Wales Expert Committee on Gene Technology on the approval of genetically modified canola for commercial cultivation was given with conditions or caveats? If there were conditions or caveats, will the Minister inform the House of them?

The Hon. IAN MACDONALD: I do not know how many times I have been asked to answer questions about this expert panel. The plain fact of the matter is that this Parliament overwhelmingly carried legislation—

Mr Ian Cohen: Answer the question. It is a simple question.

The Hon. IAN MACDONALD: At the heart of the member's question is the fact that he does not like the decision of the Parliament. Last year the Parliament set up a process for the consideration of propositions from industry about genetically modified [GM] commercial crops in New South Wales. A proposition was put before the expert committee for consideration. It has been essentially the same committee since 2003—a fact that some people seem to forget when they talk to the media. The committee made recommendations to me. After looking at those recommendations I determined that certain areas should be strengthened and I forwarded suggestions back to the committee. The expert committee considered those suggestions and incorporated them.

The Hon. Duncan Gay: You just tell them what you want and they give them to you.

The Hon. IAN MACDONALD: I do not tell the committee to do anything.

The Hon. Duncan Gay: You tell them to do what you want.

The Hon. IAN MACDONALD: They do not do what I want.

The Hon. Duncan Gay: You just said that they did.

The Hon. IAN MACDONALD: I did not say that. I said that I put a couple of proposals to them.

The Hon. Duncan Gay: And they did what you wanted.

The Hon. IAN MACDONALD: The committee carefully considered what I had to say and incorporated a couple of changes. That is fair enough; there is nothing wrong with that. The basic decision was still there—that is, to permit the growing of GM canola.

The Hon. Duncan Gay: That is a good committee!

The Hon. IAN MACDONALD: There is no doubt about that. It is an independent committee that considered the matters and a couple of suggestions from me. I did not tell it to do anything. The committee supported my view and strengthened the proposition with a couple of my suggestions. There is nothing wrong with that.

The Hon. Catherine Cusack: Have you finished their report yet?

The Hon. IAN MACDONALD: The committee did a good report. It is all over and done with. Having received the final report from the committee, I duly approved its determination to support the growing of GM canola in New South Wales. The trouble is that some people have not liked that decision and continue not to like that decision, and Mr Ian Cohen will ask the same set of questions over and over again. I duly agreed with the recommendation, and I set out in my press release the grounds on which I agreed with it.

TAFE FEES

The Hon. CHARLIE LYNN: My question without notice is directed through the Hon. Eddie Obeid to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance. What is the Minister's response to the New South Wales Teachers Federation's concern at the Government's significant increase in TAFE fees based on its commissioned research, "Comparative Analysis of TAFE Fees", showing TAFE NSW fees for students studying 200 hours per year are often two, three and even four times higher than those of interstate TAFEs? Will the Minister examine the federation's requests for proportional fees for students studying part-time and for placing a cap on future TAFE fee increases according to consumer price index increases?

The Hon. JOHN DELLA BOSCA: How the world keeps turning. Now we have got the Hon. Charlie Lynn standing up for the New South Wales Teachers Federation. It is a very interesting way the world works. I think the Teachers Federation would see through the flaws in the Hon. Charlie Lynn's attempt to steal the march on this. The Iemma Government's last budget included record spending on TAFE NSW and schools of \$11.2 billion. As we are aware, the new budget presented today increases that amount again. We have increases consecutively well above the consumer price index.

TAFE NSW, like any other TAFE and training organisation around Australia, charges fees. While the Government makes every effort to keep TAFE fees as low as possible, we need to make sure students have access to the most modern and up-to-date industry equipment and facilities. Fees represent less than 5 per cent of the overall cost of providing courses. In 2008 the annual fees for mainstream TAFE NSW courses range from around \$394 to around \$1,400, depending on the course. TAFE fees for 2008 have increased by about 9 per cent, which is 6.5 per cent above the consumer price index. However, the 2008 fee change to certificate III courses is less than \$2 a week.

In return for improved career and life opportunities it is reasonable for students to contribute to the cost of their education. And even after this fee increase, TAFE NSW fees are still lower than many other public and private training providers. Apprentices continue to pay significantly less than students enrolling in a standard certificate III course. Many apprentices are eligible for a full rebate of their fees, meaning they will not be out of pocket at all. Those not eligible for the rebate pay \$394 per year, an increase of just \$10 a year.

The Iemma Government has now introduced a fee refund as an incentive to help TAFE students complete the Higher School Certificate or its equivalent, the Tertiary Preparation Certificate—or, as it is more commonly and colloquially known, the second-chance TAFE HSC courses. The refund, worth \$2 million a year, also applies to specific preparatory courses that provide pathways into these certificates. The refund commenced in 2008, saving TAFE students who complete their Higher School Certificate \$654 and Tertiary Preparation Certificate graduates \$890, and giving those enrolling in second-chance courses a very strong motivation and a signal to complete their studies. For that reason the refunds are payable on completion.

The Hon. Michael Gallacher: They should give you a second chance, Della.

The Hon. JOHN DELLA BOSCA: I have had many chances and I am thankful for them. The Higher School Certificate and Tertiary Preparation Certificate are rigorous courses and many students find them difficult to complete. This refund will be an incentive for students to finish their studies. These courses have been targeted because students seeking a second chance at education often study them. This initiative addresses one of the Iemma Government's State Plan priorities for more students to complete year 12. We know the more education a person completes the greater his or her job prospects, both in the range of work available and the remuneration he or she will receive.

In 2008 we continue to support the most financially disadvantaged groups in New South Wales by maintaining full-fee exemptions for all Aboriginal and Torres Strait Islander students and for all students enrolled in 16 special access courses in reading, writing and employment readiness. We have introduced a \$50 concession fee for Centrelink benefit holders and anticipate that many benefit holders will be able to claim a rebate from their Job Network provider. Students with a disability continue to be exempt from paying fees for one course each year. For all students TAFE institute directors continue to be able to fully waive TAFE NSW fees in cases of severe financial hardship.

NEW SOUTH WALES OFFICE OF INDUSTRIAL RELATIONS

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Industrial Relations. Could the Minister inform the House of the Iemma Government's support for business and employees in the New South Wales industrial relations system in the 2008-09 financial year?

The Hon. Melinda Pavey: Send them home, Della, you don't need them. You can carry the whole thing yourself.

The Hon. JOHN DELLA BOSCA: I thank honourable members opposite for their confidence, and I thank the honourable member for the question. The New South Wales Office of Industrial Relations continues to play a vital role in delivering fair and effective workplaces across the State. This financial year inspectors have so far completed more than 11,000 investigations and recovered \$4 million in underpayments of wages and other entitlements for New South Wales workers and their families. Work records for nearly 28,000 people were checked, detecting more than 2,500 underpayments and 10,000 breaches.

In 2008-09 the Iemma Government will continue to support businesses and employees in the New South Wales industrial relations system with resourcing of \$22.6 million this coming financial year. The budget of the New South Wales Office of Industrial Relations meets the Iemma Government's commitment to provide a system that is fair to employers and workers and that can effectively resolve workplace disputes. This allocation includes \$10 million for compliance activities and \$6 million to provide information and assistance to employers and workers. In the past financial year the New South Wales Office of Industrial Relations received more than 180,000 calls from workers and employers seeking guidance and assistance.

The fair, transparent and equitable New South Wales system stood strongly against the former Howard Government's WorkChoices system. As we know, WorkChoices denied working families their basic workplace rights and entitlements and created uncertainty and red tape for employers, but with the Rudd Government now in Canberra, New South Wales inspectors will work cooperatively with a range of Commonwealth agencies to improve education and compliance in the workplace. With the Iemma Government's support in 2008-09, inspectors plan to visit 12,850 workplaces and will conduct 350 targeted compliance campaigns. New South Wales inspectors will undertake comprehensive campaigns that target specific industries that have demonstrated below-average compliance with the law, including road transport, retail, clothing manufacturers and cafes and restaurants.

In addition, a range of employer-focused workshops will be conducted to help small businesses with workplace rights and responsibilities in the changing industrial relations landscape. A better understanding of industrial laws can be a key to hiring and retaining the right staff, improving productivity and avoiding disputes, and growing a business. Other priorities for the New South Wales Office of Industrial Relations include an extensive community relations program to help vulnerable workers—especially young people—women and those from culturally and linguistically diverse backgrounds to understand their workplace rights; maintaining a strong focus on assistance for employers and employees through expanded telephone and online services; and delivering workplace audits to protect the employment rights of workers, particularly in relation to unpaid work trials and minimum pay entitlements.

The New South Wales Office of Industrial Relations will continue to effectively serve the needs of businesses and working families across New South Wales. This funding will help the Iemma Government maintain a level playing field for New South Wales businesses and their employees and ensure a fair, equitable and accessible industrial relations system.

TAFE TEACHER QUALIFICATIONS

Dr JOHN KAYE: My question is directed to the Minister for Education and Training. How many permanent TAFE teachers appointed during the current interim period in which they have been offered a choice between a certificate IV and an appropriate university teaching qualification chose certificate IV and how many of them chose the university qualification? On what basis has the Minister made the decision to remove the requirement that TAFE teachers have an appropriate university level teacher qualification?

The Hon. JOHN DELLA BOSCA: This is two for the price of one; there are two questions. In respect of the second part of the question, I have previously announced that the new approach to teacher training requirements, which TAFE New South Wales has adopted, is designed to ensure that TAFE students continue to learn from qualified teachers with industry experience. The New South Wales Teachers Federation has chosen to raise these changes in the New South Wales Industrial Relations Commission. As the member knows, the hearings and discussions at the commission are on foot as we speak. The department and the federation have held discussions under the auspices of the commission and as yet there has been no agreement. The matter is now likely to go to arbitration. I do not propose to comment any further while commission proceedings are continuing.

HERONS CREEK POWER PLANT

The Hon. MELINDA PAVEY: I direct my question without notice to the Minister for Energy. Does the Minister support the New South Wales Government's plans to become fully carbon neutral by 2020 with the rollout of the sustainability policy to help improve its environmental performance across water, energy and waste? If so, what was the rationale behind the proposal to construct a diesel-fuelled power plant at Heron's Creek, Kew, when out of the four sources of power—solar, wind, gas and diesel—diesel ranks as having the highest rate of carbon emissions? Is the Minister aware that the British company proposing the plant claims that the region is facing critical power supply shortages?

The Hon. IAN MACDONALD: Quite clearly, I support the Government policy, whatever it is. I make that clear publicly.

The Hon. Charlie Lynn: They're not going to get you out of that flash car, Macca!

The Hon. IAN MACDONALD: The Hon. Charlie Lynn definitely will not be around to see it. I understand that the Heron's Creek proposition is just that—a proposition. I will look carefully at it and give the member a considered reply in due course. There could be supply difficulties at Heron's Creek. Obviously, this company has an option and it is looking at a proposal to supply power. It is not necessarily true that in future diesel-fuelled power stations will emit huge amounts of carbon. An ultra-clean coal pilot plant—

The Hon. Catherine Cusack: We will have ultra-clean diesel—

The Hon. IAN MACDONALD: Just a second. Those involved in the ultra-clean plant at Cessnock are working on converting coal into a form that can run diesel engines with a very low carbon imprint. Members should be careful when they make these sorts of statements. In fact, I urge the member to look at the ultra-clean coal plant at Cessnock.

The Hon. Catherine Cusack: Where is the grain-diesel plant?

The Hon. IAN MACDONALD: I am glad I am being asked these questions by way of interjection. I will give Opposition members a briefing and bring them up to speed on the potential use of ultra-clean coal, gasified, used and burned in diesel engines. In fact, one of the propositions is to import a larger power-producing diesel engine—of the order of 180 megawatts to 200 megawatts—from the United States for the very purpose of testing the ultra-clean coal utilised in power production in a diesel engine and at the same time reduce the carbon imprint.

ENERGY BUDGET

The Hon. IAN WEST: I address my question to the Minister for Energy. In the spirit of supporting government policy, will the Minister inform the House how New South Wales energy consumers will benefit from the 2008-09 budget?

The Hon. IAN MACDONALD: That is a very nice question and I will respond in the spirit of cooperation and kindness. This budget reaffirms the Iemma Government's commitment to ensuring the security of the State's energy supplies, now and into the future. It has committed \$3.5 billion to the State's energy sector—some \$9 million a day—for this purpose. The energy component of this year's budget accounts for 25.3 per cent of the State's total infrastructure budget, which is in recognition of the central role energy plays in the lives of the State's millions of residents and businesses.

The size of the State's energy infrastructure is vast; there are almost 300,000 kilometres of wires and cables criss-crossing the State. The Government is investing substantial sums to ensure continued reliability of supply and to provide better services and new infrastructure across the State. We will continue to invest in the State's electricity distribution network—the poles and wires—which will remain in public ownership. We are also spending big in the area of transmission.

In 2008-09 Transgrid will spend more than \$530 million on infrastructure and capital upgrades. This will include \$143 million for the upgrade of the Bayswater, Mount Piper, Marulan transmission system—the first stage of the \$320 million Western Development transmission line. In addition, Transgrid will spend more than \$40 million on new and replacement transformers. Our distribution networks are also receiving a boost in

the budget. Energy Australia, Country Energy and Integral Energy will collectively spend more than \$2.3 billion on infrastructure and capital upgrades. Energy Australia alone will spend \$1.1 billion upgrading its network. Major projects include a replacement substation at Mayfield and a new subtransmission station at Kooragang Island—both in the Hunter—and a major upgrade of the Ourimbah substation on the Central Coast.

The Hon. John Della Bosca: Hear! Hear!

The Hon. IAN MACDONALD: The Minister for the Central Coast is very keen on that.

The Hon. John Della Bosca: I was acting for you when they lost power.

The Hon. IAN MACDONALD: I gave the Minister the good ball. In the Sydney metropolitan area, Energy Australia is investing in capital works across its network, including \$36 million to install new underground cables between Peakhurst and Kogarah; more than \$17 million to bolster network reliability on the northern beaches and North Shore; and \$14 million to replace infrastructure in the Homebush and Auburn areas.

Country Energy is investing some \$668 million in a range of capital works to ensure reliability of energy supply. Major projects include a \$37-million upgrade to the mid North Coast electricity network; a \$16.3-million project to upgrade the far North Coast network, including the completion of a new substation serving Lismore; and upgrading the Dubbo city network at a cost of \$8.5 million.

Greater Western Sydney, the Illawarra, and the Southern Highlands of New South Wales are also well catered for, with local distributor Integral Energy spending \$545 million upgrading services to its customers throughout these areas. Integral Energy is planning to spend almost \$450 million on upgrading its distribution network, including \$12.5 million for the construction of a new western Parramatta zone substation; upgrades to the eastern Liverpool network at a cost of \$32 million; and rebuilding and refurbishing the Granville zone substation to meet the needs of the greater Parramatta area at a cost of \$23.9 million.

In addition to these critical upgrades, the Government continues to assist the community through a number of specific, targeted measures designed to assist those most in need. For example, some 660,000 pensioners will receive rebates from the Government—\$112 per pensioner—to relieve the burden on some of the members of society most at risk from financial pressures. Additionally, the Government will spend \$9.4 million under the Energy Accounts Payment Assistance Program to help customers facing temporary financial hardship. In the area of generation, Delta Energy, Eraring Energy and Macquarie Generation are spending almost \$700 million in capital works to further enhance the State's power generation capability. [*Time expired.*]

JUVENILE JUSTICE CENTRES DETAINEE NUMBERS

Ms SYLVIA HALE: I address my question to the Minister for Justice. In the past 12 months, how many detainees have been moved from juvenile justice centres to adult correctional centres? Is the overcrowding in juvenile justice centres a result of changes to the Bail Act that make it more difficult to obtain bail? How is the Minister intending to address the problem of overcrowding in juvenile justice centres?

The Hon. JOHN HATZISTERGOS: If my memory serves me correctly, Ms Sylvia Hale asked me a question about this on 8 April 2008. I refer the member to the answer that I gave on that occasion. To the extent that Ms Hale is raising other issues in the question, she should address them to the Minister for Juvenile Justice.

CLASSROOM UNFLUED GAS HEATERS

The Hon. MARIE FICARRA: I direct my question without notice to the Minister for Education and Training. Does the Minister stand by the statement made by his ministerial spokespersons who stated that, "low-emission, low-nox, unflued gas heaters are compliant with national environment protection measures, the ambient air quality guidelines developed by the National Environment Protection and Heritage Council". What is his response to concerns of teachers, students and parents in the Blue Mountains and many hundreds of other schools that need to keep class windows open in accordance with NSW Health recommendations? How does the Minister justify these views when NSW Health recommends the use of unflued heaters only when windows and doors are open, due to increased levels of harmful carbon monoxide and nitrogen dioxide?

The Hon. JOHN DELLA BOSCA: The Iemma Government is committed to providing safe and responsible learning environments for all our students and staff. Unflued gas heaters continue to provide

effective and efficient heating in schools. They are maintained annually in accordance with manufacturers' advice and guidelines, and schools are reminded each year about the appropriate ventilation guidelines. Information is also available to all staff on the department's intranet site. The Department of Education and Training continues to monitor the latest health guidelines about their use and provides advice to schools as appropriate to ensure the health, comfort and safety of students and teachers.

There have been no reported incidents of unflued gas heaters in New South Wales government schools causing adverse health effects. Despite this, the Department of Education and Training has been progressively replacing the older blue flame unflued gas heaters with low-nox unflued gas heaters. The Department of Education and Training continues to liaise closely with other government agencies, including the Department of Commerce, the Department of Housing and NSW Health, regarding the use of low-nox heaters in schools. Of course, every year, as the cooler months approach, the department issues a reminder to schools about the guidelines and appropriate procedures for using gas heaters. The department will continue to monitor the safe use of gas heaters and provide advice to schools as appropriate to ensure the health, safety and comfort of our students.

I am advised that Blackheath Public School has had low-emission, low-nox, unflued gas heaters installed. These were monitored in 2007 and found to be compliant with the national environment protection measures, which are ambient air quality guidelines developed by the National Environment Protection and Heritage Council. These results are consistent with the ongoing monitoring of low-nox unflued gas heaters undertaken by the Department of Commerce. Blackheath Public School has been provided with additional insulation for thermal comfort and the Department of Commerce has completed the scoping of fixed ventilation works designed to provide appropriate ventilation without draughts when the heaters are in use. The fixed ventilation works will be undertaken as soon as agreement is reached with the school.

In order to further reassure the parents of the safety of schools and the students in Blackheath Public School, the department will undertake additional monitoring in term 2, 2008 at a time to be negotiated with the school principal using CSIRO guidelines and equipment and conducted by the Department of Commerce. I am sure they will be conclusive. Like everybody, I am concerned to make sure that the information we are getting about these issues is accurate. That is why I have asked the Department of Education and Training and the Department of Commerce to use everything at our disposal to ensure they are providing a safe and healthy workplace for students and teachers.

If members have further questions, I suggest that they place them on notice.

Questions without notice concluded.

APPROPRIATION (BUDGET VARIATIONS) BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. Michael Costa.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008

Second Reading

Debate resumed from an earlier hour.

The Hon. RICK COLLESS [5.04 p.m.]: I do not have much more to add but I would like to raise the problem of medical issues, where persons are disconnected completely from their biological parents and, in particular, those genetic conditions that can develop in people later in life and can be passed on to their children. It is important that families have access to those details.

My opposition is not born out of prejudice towards different family relationships that may be in place; I support the different arrangements that exist in our community. It is born out of the need for truth and

biological science. As I said earlier, a person can have only one biological mother and one biological father. I believe the birth record should reflect that and should not be confused with the parenting arrangements that exist within the family situation. As such I am opposed to the bill.

The Hon. TREVOR KHAN [5.05 p.m.]: This is a most important bill. In June 2007, shortly after entering this place, I was obliged to consider the Cloning and Other Prohibited Practices Amendment Bill 2007. That bill caused me much inner turmoil and, as many will remember, I opposed the legislation. My reason for opposing that legislation was based on the humanist traditions that I choose to espouse. I again seek to use those same humanist principles to explain the position I come to in respect of this bill. To explain my reasoning I refer to some of the affirmations of humanism adopted by the Society for Secular Humanism.

The society's statement of principles includes the following expressions of belief: a belief in an open and pluralist society in which democracy is the best guarantee of protecting human rights from authoritarian elites and repressive majorities; a concern for securing justice and fairness in society and eliminating discrimination and intolerance; an intention to transcend divisive parochial loyalties based on race, religion, gender, nationality, creed, class, sexual orientation, or ethnicity; a belief in the cultivation of moral excellence; a respect for the right to privacy; a belief in the common moral decencies: altruism, integrity, honesty, truthfulness and responsibility; and, finally, a belief in optimism rather than pessimism, hope rather than despair, learning in the place of dogma, truth instead of ignorance, joy rather than guilt or sin, tolerance in the place of fear, love instead of hatred, compassion over selfishness, beauty instead of ugliness, and reason rather than blind faith or irrationality.

I have attempted to use these principles in formulating my position in the current debate. I return to consideration of the bill itself. This is not a bill that achieves mere modest changes in the law, nor is it a bill that deals solely with the rights of children. This is a quite significant bill and it deserves to be recognised as such. To that end, I must observe that to entitle the bill a miscellaneous provisions bill detracts from its importance. This bill bestows rights upon a section of our community that have been denied to them since Governor Arthur Phillip planted the flag upon the land of the Gadigal people some 220 years ago. The object of the bill is to amend certain Acts, regulations and other instruments to make further provision in relation to their application to de facto relationships within the meaning of the Property (Relationships) Act 1984. In particular, the bill:

- (a) amends the *Anti-Discrimination Act 1977* to rename the "marital status" ground of discrimination as "marital or domestic status" and extend that ground to include the status or condition of being in a de facto relationship, within the meaning of the PR Act, between same sex partners, and
- (b) amends the *Status of Children Act 1996* to extend to same sex partners of birth mothers the parenting presumptions applying under that Act in relation to children born as a result of a pregnancy achieved by a fertilisation procedure, and
- (c) amends various Acts and instruments as a consequence of the amendments to the *Status of Children Act 1996*, including the *Births, Deaths and Marriages Registration Act 1995*, the *Industrial Relations Act 1996* and the PR Act, and
- (d) extends to de facto relationships, within the meaning of the PR Act, provisions in Acts, Regulations and other instruments that currently apply in relation to spouses, and
- (e) clarifies that existing references in Acts, Regulations and other instruments to de facto relationships are references to de facto relationships within the meaning of the PR Act, and
- (f) clarifies that references to the partner of a person in a number of instruments are references to the partner of the person, whether of the same or the opposite sex.

It is impossible to skirt around issues, and chief amongst them is the impact upon children of being brought up in a household in which the parents are a same-sex couple. There can be no doubt that at the heart of much of the criticism of the bill is the view that same-sex partners are less capable than heterosexual couples of providing for and nurturing children. Related to this concept is the view that children raised by a same-sex couple will be affected adversely by their home environment and less capable of fitting into our wider society.

The logic seems to be that to pass the legislation will in some way encourage people to adopt a gay or lesbian lifestyle and subject yet more children to an inappropriate and harmful environment. Much research has been undertaken on these issues, both overseas and in Australia. I begin by referring to research undertaken overseas. In July 2004 the American Psychological Association, in its Resolution on Sexual Orientation, Parents and Children, made the following observations:

Many lesbians and gay men are parents. The US Census in the year 2000 found that 33% of female same-sex couple households and 22% of male same-sex couple households reported at least one child under the age of 18 living in the home.

Despite the significant presence of at least 163,879 households headed by lesbian or gay parents in US society, three major concerns about lesbian and gay parents are commonly voiced.

These include concerns that lesbians and gay men are mentally ill, that lesbians are less maternal than heterosexual women, and that lesbians' and gay men's relationships with their sexual partners leave little time for their relationships with their children.

In general, research has failed to provide a basis for any of these concerns.

First, homosexuality is not a psychological disorder. Although exposure to prejudice and discrimination based on sexual orientation may cause acute distress, there is no reliable evidence that homosexual orientation per se impairs psychological functioning.

Second, beliefs that lesbian and gay adults are not fit parents have no empirical foundation. Lesbian and heterosexual women have not been found to differ markedly in their approaches to child rearing.

Members of gay and lesbian couples with children have been found to divide the work involved in child care evenly, and to be satisfied with their relationships with their partners.

The results of some studies suggest that lesbian mothers' and gay fathers' parenting skills may be superior to those of matched heterosexual parents.

There is no scientific basis for concluding that lesbian mothers or gay fathers are unfit parents on the basis of their sexual orientation. On the contrary, results of research suggest that lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children.

The American Psychological Association went on to note:

As the social visibility and legal status of lesbian and gay parents has single-sex lesbian or gay communities have received no scientific support.

Overall, results of research suggest that the development, adjustment, and well-being of children with lesbian and gay parents do not differ markedly from that of children with heterosexual parents.

There is no scientific evidence that parenting effectiveness is related to parental sexual orientation: lesbian and gay parents are as likely as heterosexual parents to provide supportive and healthy environments for their children.

Research has shown that the adjustment, development and psychological well-being of children is unrelated to parental sexual orientation and that the children of lesbian and gay parents are as likely as those of heterosexual parents to flourish.

Similarly, in a 2006 report prepared by the Canadian Department of Justice entitled "Children's Development of Social Competence Across Family Types", the following conclusion was reached:

The strongest conclusion that can be drawn from the empirical literature is that the vast majority of studies show that children living with two mothers and children living with a mother and father have the same levels of social competence. A few studies suggest that children with two lesbian mothers may have marginally better social competence than children in traditional nuclear families, even fewer studies show the opposite, and most studies fail to find any differences. The very limited body of research on children with two gay fathers supports this same conclusion.

In the Australian context the issue of children growing up in same-sex households has been the subject, sadly, of protracted and bitter litigation from time to time. The leading decision in this area is that of Justice Paul Guest in April 2002 in the case of *Re Patrick* [2002], FCA 193. I should observe that this was a dispute arising from the decision of the sperm donor father to seek to take an active role in the life of the child—referred to in the case as Patrick—contrary to the wishes and expectations of the biological mother and her same-sex partner. I will quote part of the judgement because some of the observations made towards the end are apposite to the current debate. At paragraph 323 of his decision His Honour observed:

That which constitutes a "family" has been the subject of substantial debate particularly relevant to the **gay** and **lesbian** community. It has been argued that there has been—

"a shift away from the indicia of biology and marriage relationships ... towards a more flexible or purposive definition of family.

It appears to me that a "... *family*" being limited to the traditional hetero-nuclear family does not now reflect the reality of the various family forms within modern society. I see no reason why "... *family*" should not also include a homo-nuclear family as part of the diverse configuration of families reflected in our community.

In my view, both the mother and the co-parent (in this case) have demonstrated a history of "... *mutual interdependence, of the sharing of lives, of caring and love, of commitment and support*" (per **Lord Slynn Fitzpatrick v Sterling Housing Association Ltd (2001) 1 AC 27 at 38**. They, together with Patrick, are a "family". It is also appropriate to recall what **Nicholson CJ** had to say when dealing with the changing concept of family, namely:

One of the fundamental misconceptions which plagues me is the failure to understand that heterosexual family life in no way gains stature, security and respect by the denigration or refusal to acknowledge same-sex families. The sum social good is in fact reduced, because when a community refuses to recognise and protect the genuine commitment made by its members, the state acts against everybody's interests.

The term "family" has a flexible and wide meaning. It is not one fixed in time and is not a term of art. It necessarily and broadly encompasses a description of a unit which has 'familial characteristics' ... In my view it would stultify the necessary progress of family law in this country if society were not to recognise the applicants as a 'family' when they offer that which is consistent and parallel with heterosexual families, save for the obviousness of being a same-sex couple.

The issue of their homosexuality is, in my view, irrelevant. As Chief Justice Nicholson said:

Sexual orientation is no basis upon which to make assumptions about the quality of an individual's relationship or parenting capacities of a person. That is why sexual orientation in and of itself, has been held to be an irrelevant matter in disputes about children under the Family Law Act, unless it somehow impinges upon the best interests of a child.

At paragraph 327 His Honour said:

Gay and lesbian families are a relatively newly recognised and, it seems, growing phenomenon in Australian society. Whilst they represent a small minority of families, surveys of lesbian women in New South Wales have found that approximately 20 per cent have children and over 40 per cent are considering having children in the future ...

Although gay and lesbian families are increasing, they cannot be characterised as a homogenous group for they may take many forms. Children conceived via artificial donor insemination may have only two mothers, others, such as Patrick, may have two mothers and a father, and others, may have two mothers and two fathers. In a rare number of cases a child may have only two fathers. Within each of these family forms itself there may also be variations in the level of involvement of the father or fathers in the child's life. Accordingly, whilst a child may have two mothers and a father, this does not necessarily mean that the father plays a traditional "fatherly" role.

In a survey of 84 women attending the Sydney Lesbian Parenting Conference in 2000, some 66 per cent of respondents with children conceived via donor insemination reported that the donor had no parenting responsibilities or decision making role, and only 12 per cent reported a sharing of parental responsibilities with the donor. In terms of the child's contact with the donor, some 31 per cent had no contact, 33 per cent had "some" contact, 22 per cent had "regular" contact, and 13 per cent had "extensive" contact with the donor relating to the child as a non-resident parent. Those interviewed were divided about the legal role of the donor, with just under one half responding that the donor should not have legal recognition under any circumstances while an equal number reported that legal recognition may be justified in some circumstances. Similar studies conducted in other countries have elicited similar results.

At paragraph 331 His Honour said:

Finally, these proceedings, in critical ways atypical of those usually heard in the Family Court, have brought into sharp relief a number of significant issues which the Court will face in modern "family" litigation. Both the mother and co-parent gave evidence of considerable discrimination against lesbian families and indicated that they, together with Patrick, are part of a socially disadvantaged minority group. I found this evidence to be of concern. They addressed the importance of Patrick understanding that they, the lesbian parents, are proud of their identity, that he is safe and that he will develop within the fabric of his family a sense of identity and self esteem. I have no doubt that he will also be endowed with the importance of the concept of "family" through his father, who also must have weathered, at times, the storm of ridicule by bigoted members of our community. There do exist in our community elements of unfounded prejudice.

Mr Papaleo (one of the psychologists called in the case) styled these proceedings as being immensely complex in involving a clash of values, beliefs and societal expectations, let alone the challenge to issues relating to parental responsibility, psychological versus biological parenting and the status of the co-parent (and the father) at law.

Whatever the difficulties that currently exist between the mother, the co-parent and the father and which in my view are capable of sensible resolution, the immutable fact remains that Patrick is loved deeply by them all. That is his privilege. I view those that constitute his "family", both in the narrow and broad sense, warrant equal treatment with the rest of our community, and certainly by the law.

Patrick, who is nearly two years of age, is part of our community. He has the right to be treated equally as any other child. So too has the "family" that nurtures him, houses him and who is charged with the onerous responsibility of leading him forward as a productive participant within our broad society. As family members they have a commitment to mutual interdependence, they share their lives, they care for and love each other and offer common support. They too have a right to be treated equally by the community as any other heterosexual nuclear family. As to the issue of equality, the Hon Madame Justice Claire L'Heureux-Dube, in *Egan v Canada* (1995) 2 SCR 513 at 543 had this to say:

Equality ... means nothing if it does not represent a commitment to recognising each person's equal worth as a human being, regardless of individual differences. Equality means that our society cannot tolerate legislative distinctions that treat certain people as second-class citizens, that demean them, that treat them as less capable for no good reasons, or that otherwise offend fundamental human dignity.

Later, in a paper *The Search for Equality: A Human Rights Issue* (2000) 25 Queens Law Journal 401, her Honour said:

Equality implies freedom of choice regarding intimate association; true equality means respect for this deeply personal and individual decision.

This Chamber may also be assisted by the closing address given by the former Chief Justice of the Family Court, Chief Justice Nicholson, when he addressed the Conference on The Changing Concept of Family: The Significance of Recognition and Protection. His Honour observed:

Without the recognition of all family relationships, equality—the cornerstone of democratic society—is missing; public acknowledgment of private affections, commitments, interdependencies and identities is denied.

For this seminar to pay attention to both family and anti-discrimination law is also a sensible strategic choice. This is because arguments for the inclusion of sexual orientation as a prohibited ground of discrimination are likely to be met with confused claims that doing so is a dangerous domino: that it will lead to the demise of the so-called traditional family and the opening up of a Pandora's Box of unintended and undesirable consequences.

One of the most politically potent but patently false ideas is that the recognition of lesbian and gay men's relationships will somehow encourage those who would otherwise be heterosexual to opt instead for a same-sex relationship. To the degree that sexuality is a fluid human characteristic, it strikes me as absurd to imagine that the achievement of limited legal protections would induce someone to reorient their sexuality. It seems to me that politicians take themselves far too seriously if they really believe that any legislation they pass will have any effect, one way or the other, upon this issue. All that such legislation will do, and this is reason enough for it, is to provide that people whose sexual orientation is towards a same sex relationship will be treated equally with the rest of the community so far as the law is concerned.

The argument about encouragement is closely related to the equally misguided belief that homosexuals are prone to attempt to "corrupt" children.

The tendency to confuse homosexuality with paedophilia has been commented upon in a number of papers today. Such a stereotype reflects the inability or refusal of some people to understand that the exploitation, harassment and assault of children and young people is a harm related to sexuality as such, without regard to sexual preference and in most instances, but not all, to masculinity. The important point is that there is no evidence to support the proposition that it bears any relationship to homosexuality whatsoever. Most perpetrators of child abuse identify as heterosexual men and their victims are predominantly female.

It is therefore plainly spurious to confuse calls for law reform with concern about the propensity of some to abuse their power and trust.

What must be properly understood is that the real effect of refusing to acknowledge and provide protections to same-sex relationships is to fail to recognise nothing else but relationships and the meanings they give to an individual's life. This current state of the law smacks of society punishing otherwise law-abiding members for a sexual orientation that is, in and of itself, lawful.

And to what gain? Legal denial and intolerance achieve nothing but an insult to the dignity of recognition that every family treasures and has the right to expect in a country which supposedly supports tolerance for peaceful differences among its members.

To continue to ignore the rights of same-sex individuals and their relationships is a pyrrhic achievement of which no government out to be proud.

We must face the fact that whilst one can understand the reluctance of some members of this Chamber to embrace the concept of children being brought up in what would otherwise be described as non-conventional households, the children will not be harmed by those environments. The simple reality is that children in our society are harmed by a wide variety of dysfunctions and inadequacies affecting their parents, but the sexuality of their parents is not one of them. I again refer to the closing address of Chief Justice Nicholson, in which he observed:

I would like to take us back to a quote from a speech in another time on another issue. The words are from an Englishman speaking in 1833 on a matter which, like so many matters seen in a historical perspective, seems a little self evident. It is the speech of Thomas Babington Macaulay advocating in favour of full political equality for Jews in England. Mr Babington said of his opponent:

The plain truth is that my honourable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail and singed his beard with blazing furze-bushes, were much worse men than my honourable friend; but they were more consistent than he.

Chief Justice Nicholson then said:

Australia would do well to have more honourable members who could be described in these terms, as unable to give a reason for their opposition to human rights because of their "humanity". This does not seem to have been the case here so far on the subject of sexual orientation.

I conclude my contribution by noting that the bill seeks to assist a group of children, those of same-sex couples, by providing them with a bundle of rights that children of heterosexual couples already have. The bill also seeks

to address issues of discrimination against members of our community who, like us, should be entitled to equal treatment, equal respect, and equal tolerance. I again quote the words of Chief Justice Nicholson:

I am here today because I value human rights and the principle of equal treatment. These are precious bulwarks against vulnerability and oppression.

I support the bill.

Reverend the Hon. FRED NILE [5.32 p.m.]: The Miscellaneous Acts (Same Sex Relationships) Bill 2008 seeks to amend 57 Acts of the New South Wales Parliament. The bill will provide for equal rights for people in lesbian and homosexual same-sex relationships and will enact a number of recommendations from the New South Wales Law Reform Commission's report on relationships. On introducing the bill a Government spokesperson said, "The new laws were recommended by the Law Reform Commission which consulted widely with stakeholders." Our inquiries found that statement to be inaccurate. The commission conducted inquiries involving an extremely small sample of 69 persons. Almost all the respondents in this specially selected sample demonstrated a self-confessed practical ignorance of co-parenting and the avenues that already exist for functional parents to obtain a parenting order through the Family Court. The report of the commission on which the bill is based was a house of cards, or at the very least provided a very weak and faulty foundation for the legislation.

That confirms my attitude that the so-called surveys conducted by the New South Wales Law Reform Commission and similar commissions in other States are designed to bring about legislative changes from what I term the top down. Legislation from the bottom up is introduced when governments see a need for it following genuine expressions of concern by the community that are reflected by members of Parliament in debate. This bill is legislation from the top down. One could question whether the Law Reform Commission is being used to manipulate the Parliament into accepting certain propositions and recommendations at face value, thus encouraging the Attorney General to draft legislation incorporating those recommendations.

In my view the bill is not fully understood by Government members or by members of the Opposition and of the minor parties. It is very controversial and complex, and we are being expected to absorb it and vote on it in a short period of time. The bill will amend 57 Acts of Parliament and, consequently, it is entitled the Miscellaneous Acts Amendment (Same Sex Relationships) Bill. Generally speaking, bills that propose minor amendments to 20 or 30 pieces of legislation are entitled Statute Law (Miscellaneous Provisions) Bills, and with regard to such bills the Government gives an assurance that amendments about which reservations are expressed will be withdrawn or removed to enable their further consideration. Although many members have reservations about a number of aspects of the present bill, the same spirit of cooperation is not offered by the Government.

When a bill amends so many Acts of Parliament it is a very complex task to determine the impact of all the amendments. Usually when an Act requires an amendment, an amending bill is introduced for that purpose. The procedure is fairly straightforward. But in this case 57 Acts are being amended, with particular focus on the Anti-Discrimination Act 1977, the Status of Children Act 1996, the Industrial Relations Act 1996, and the Property (Relationships) Act 1984.

The Government did not refer to the remainder of the 57 Acts of Parliament. If the Parliament passes this bill, we will have voted in the dark, hoping that no serious ramifications or implications arise from the amendments. The bill amends a number of important pieces of legislation. One piece of legislation the bill amends, which is a matter of controversy, is the Births, Deaths and Marriages Registration Act and the Births, Deaths and Marriages Registration Regulation. The bill also amends criminal law, such as the Crimes (Administration of Sentences) Regulation and the Criminal Procedure Regulation 2005, and social law, such as the Drug and Alcohol Treatment Act, the Liquor Act 1982, the Privacy and Personal Information Protection Act 1988 and the Private Hospitals Regulation 1996. The bill should be referred to the Standing Committee on Law and Justice to enable it to carefully study the 57 Acts of Parliament and assess the legal implications of the amendments. The legal implications may not be clear even to the Government, which introduced the bill. Therefore, I move an amendment to the motion, to be dealt with at the time of the vote on the second reading, as follows:

That the question be amended by omitting all words after "That" and inserting instead:

"this bill be referred to the Standing Committee on Law and Justice for inquiry and report."

I did not set out a timetable in my amendment because of the complexity of the issues. That is the danger with a bill that amends 57 pieces of legislation. The committee should establish its timetable. As I said, the Law

Reform Commission did not conduct an adequate inquiry into this bill. However, that is the way it usually operates. When the Government introduced the bill, it said that the Law Reform Commission had been asked to review the Property (Relationships) Act 1984 and had made 59 recommendations relating to the definition of "de facto" and "close personal relationships", financial adjustments on the breakdown of such relationships, and jurisdictional and procedural issues. The Government announced that it had accepted 21 of the 59 recommendations. Many other recommendations were not relevant because they related to Commonwealth legislation. The new Federal Labor Government, led by Prime Minister Rudd, has announced it will introduce a Commonwealth bill that deals with matters relating to same-sex relationships. The New South Wales Parliament has dealt with some of the recommendations and the Commonwealth will deal with others.

The report of the Law Reform Commission recommended that same-sex female partners should be granted parentage rights of children conceived by way of in-vitro fertilisation or artificial insemination. Currently when a woman uses a fertilisation procedure to conceive a child, the sperm donor is presumed not to be the father. The legal presumption is that the husband or de facto male partner is the father. The law acknowledges the father. The bill before us removes the emphasis on the father, particularly in the amendments to the Status of Children Act 1996. The Law Reform Commission also recommended amendments to the Anti-Discrimination Act, which the Government accepted and has implemented in the bill. Those amendments create a new category to be inserted in the Anti-Discrimination Act. As members know, the Anti-Discrimination Act covers marital status, age, sex and so on. The new category to be added is "domestic status". The definition of "domestic status" is not clear. The term "domestic relationship status" may have been more appropriate. When I first read "domestic status", I thought of housemaids who work in hotels and are called domestics. Domestics do the housework. In the eighteenth century the servants were domestics. A new category of "domestic status" in the Anti-Discrimination Act is not appropriate. This highlights one of my concerns about the legislation. How will the category of "domestic status" be interpreted?

Although it is not clearly stated, I believe "domestic status" means a domestic same-sex lesbian relationship. If so, if a person who feels strongly about the role of the father in the family is critical of same-sex relationships in public—unlike in Parliament where members are protected by parliamentary privilege—can people in a same-sex relationship say they are offended and be able to make a complaint to the Anti-Discrimination Board? Some members may say that the law does not apply to trivial matters. However, I have been before the Anti-Discrimination Board in relation to what I regard as trivial matters. Members should never underestimate the power of such tribunals. In my case I had written a letter, which was published in the *Daily Telegraph*, in which I said that the Gay Olympics was not necessary.

If homosexuals are skilled at athletics or other sports they can participate in the Olympic Games. Homosexuals are not banned from the Olympic Games. Olympians are not considered heterosexual or homosexual. My remark was innocent. In fact, I supported homosexuals by saying they should participate in the Olympic Games. I said that they did not need the Gay Olympics, which the gay community was promoting, together with a request for half a million dollars from the State Labor Government to stage it. The editor of the *Daily Telegraph* and I were involved in drawn-out discussions before the Anti-Discrimination Board. I learnt that the people who made the complaint against us were seeking six-figure damages from the *Daily Telegraph* for publishing my letter.

I have learnt the hard way that you should never underestimate how some people can use these provisions, which is obviously not the intention of the Government, but once they go into legislation vexatious individuals could say, "I've got another weapon to use against the people I disagree with." I have tried to work out how to amend that section so it will not be possible for people to do that, but I have found it difficult. If we get to the Committee stage I propose simply to vote against the amendments to the Anti-Discrimination Act 1977 because I do not believe the Government has fully considered how that provision could be used or abused by vexatious people.

Some members of the public have written to me and raised other examples. For example, under the Anti-Discrimination Act could someone who is in a same-sex domestic relationship be offended by a Father's Day celebration or by a school having a Father's Day event and make a complaint or threaten to take the principal of the school to the anti-discrimination tribunal? I hope something like that would not happen, but I am pointing out that in my opinion the Anti-Discrimination Act has been abused already by vexatious people.

The reality is that once you receive a letter from the anti-discrimination tribunal to say a complaint has been made against you, you have to report firstly for a consultation. Normally you would say to yourself, "I will have to hire a solicitor because I am now facing potential damages or worse", so you hire a solicitor. You go

through the procedures and perhaps eventually the tribunal says it does not uphold the complaint and it is dismissed. You still have to pay your solicitor because you are not awarded costs in the anti-discrimination tribunal, but it costs the person who made the complaint nothing; that person just made the complaint and the tribunal did the work. Even though you have been found innocent you are already out of pocket in having to pay for a solicitor and, depending on how serious you believe the matter to be, maybe a barrister as well.

People who appear before tribunals and do not get legal advice are putting themselves in a very dangerous situation because if the tribunal ultimately upholds the complaint it then has to make a decision as to what the punishment should be. The tribunal could order the person found guilty to make an apology. From memory, I believe I was ordered to make an apology, which is possibly the most minor punishment, but the tribunal has the option to award damages. From my last reading of the Act I think damages can be awarded of \$1 up to \$40,000. The tribunal could award damages of \$10,000 or \$20,000, and the guilty person then has to find that money and pay it to the person who made the complaint. The person paying the damages might think, "I would not be so worried if it went into consolidated revenue; at least it could go towards the wages of a policeman or a school teacher", but the damages go to the person who made the complaint.

That raises the issue of whether there is an incentive for people to use the legislation to make complaints. They cannot lose: it will not cost them anything, and if they win they could get damages from the individual. I urge the Government to give further consideration to the section of the bill that seeks to amend the Anti-Discrimination Act 1977. These amendments affect 57 Acts of Parliament, and the kind of problem I have outlined could have an unintended impact on people who are charged with committing a crime or on people involved in the hotel or liquor industry.

I believe the New South Wales Law Reform Commission report was a very shaky foundation on which to build legislation that has become controversial as people have learned more about it. I have received in the past 24 hours more than 250 emails, and from the way they are addressed I assume they have been sent to all other members of Parliament. I seek leave to table those 250 emails as part of this debate.

Leave not granted.

The other controversial aspect of the legislation relates to the Status of Children Act 1996. The amended legislation will allow the same-sex partner of a lesbian who gives birth to a child via artificial insemination to be listed automatically on the birth certificate as a second parent alongside the birth mother, assuming the partner consented to the procedure, and it will remove any reference to a father. This new provision will legalise a deception that a child has two mothers and no father. It would also deny the child any right to know his or her biological mother. That is why I believe there is a considerable amount of strong reaction in the community: by implication, this provision says that fathers are unimportant and do not really count, when we know that they do play a major role in the life of a child.

Many children, and in fact I would say all children, want to know who their mother and father are. Many children have a very deep concern about being denied the biological truth about their parentage, and I believe that concern will be even stronger because of the way in which the birth certificate will be compiled as a result of these amendments. As I have said, it is possible currently for the role of non-biological functioning parents to be recognised through parenting orders from the Family Court, rather than automatic legal recognition being given to the same-sex partners of a child's biological parent through this fiction that a child can have two mothers instead of a father and mother. I have drafted an amendment to restore the rights of the father and I am seeking support for the amendment from both Government and Opposition members in their conscience vote. I imagine a conscience vote would apply to amendments as well as to the bill.

Another matter of concern is that this bill will amend the Industrial Relations Act 1996 so that same-sex partners can take partner leave to act as the primary caregiver of a child of whom they are the presumed parent in the first year of the child's life. The provision that only one parent at that time is entitled to extended parental leave is maintained. Members might wonder what is wrong with that. The Industrial Relations Act does not refer to "partner leave"; it refers to "paternity leave". Therefore, this legislation downgrades the father and the father's role not only through the amendments dealing with birth certificates but also through the amendments to the Industrial Relations Act. Suddenly, paternity leave disappears; this legislation removes it from the Industrial Relations Act 1996. That is another example of how these amendments have legal implications. I am not sure that unions have been consulted about these amendments and that their members are happy about removing reference to "paternity leave" and replacing it with this vague term "partner leave". The legislation should refer to "paternity leave" and "partner leave", but I understand it deletes paternity leave altogether.

The other matter of concern is the amendments to the Property Relationships Act 1984. The legislation gives effect to a definition of "de facto relationship" that relies on the gender-inclusive definition. The gender-inclusive definition troubles me because I am sure many members have strong reservations about same-sex legal marriage. At the moment, marriage is clearly defined in Commonwealth law as a union between a male and a female. If we follow this path of embracing the gender-inclusive definition, all references to "male" and "female" are removed and we will refer to a "person" or a "partner". There is no indication whether the person is a male or a female.

I know the State Government would not normally try to change the definition of marriage in this State, because it is a Commonwealth matter and it is covered by Commonwealth legislation. However, pressure has been applied to State and Territory governments—such as the Australian Capital Territory Government—to go it alone and to legalise a form of same-sex marriage. Fortunately at this stage, the Commonwealth Government has opposed the Australian Capital Territory Government's proposed legislation. However, that Government went part of the way by proposing to introduce legislation to provide for a form of legal marriage service that I believe mimics the traditional marriage service.

One could ask what is the difference between that service and a legal traditional marriage. The Australian Capital Territory Government got very close to introducing enabling legislation, but because of Mr Rudd's opposition the legislation was modified—but I still do not support it. That demonstrates that if we were to support a gender-inclusive definition with no reference to the sex of the people concerned—that is, whether they are male or female—but only to a person or a partner, we could almost slip into recognising same-sex marriage, or at least make it difficult to mount an effective opposition because it has been inadvertently done with the appropriate legislative changes. I trust that these examples demonstrate why this legislation should be referred to the Standing Committee on Law and Justice. We established that committee to deal with exactly this type of situation—that is, the legal implications of legislative amendments. In this case, the legislation will amend 57 New South Wales Acts.

A number of members have already made reference to the importance of the role of the father in the life of the child. That is obvious to me. I foreshadow the amendments that I have drafted, one of which may be changed. I refer members to the amendments to the clauses dealing with schedule 1, which deals with anti-discrimination. It is difficult to amend that schedule, so I urge members to oppose it. Amendment No. 2 proposes to insert after line 12 on page 14:

15A Particulars of fathers

Where any provision of this Part requires particulars of a person's parents to be given to the Registrar or noted in the Register in connection with the birth or death of the person, the particulars must identify a parent who is the father of the person as the father.

That deals the birth certificate issues that I raised. The third amendment deals with the Industrial Relations Act and the removal of "paternity leave" and the substitution of "partner leave". The amendment is straightforward; it simply inserts "or partner" after "paternity". The amendment will not delete "partner leave"; it will simply restore the reference to paternity. A number of consequential amendments flow from those amendments.

This bill has only recently been circulated to members of Parliament, but concerns have been raised with me. They are important and should be taken into account by the Government, and particularly by the Minister. A letter from the Anglican Church Diocese of Sydney dated 29 May 2008 states:

Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008

I write to you on behalf of the Standing Committee of the Synod of the Diocese in reference to the upcoming debate on the *Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008*. We respectfully ask you to seriously consider this complex Bill and urge you not to vote for the passage of the Bill in its current form.

We commend the Government for addressing some of the inconsistencies in current legislation, as well as some of the legal and administrative impediments that are imposed on same-sex couples, which in effect deny the access to various financial and work related benefits that others in the community enjoy. However there are two aspects of the Bill that particularly concern us.

Exclusion of other relationships of care and inter-dependency

Our first concern is that many of the benefits proposed to be extended to same-sex couples are equally applicable to other types of caring inter-dependent relationship (eg elderly siblings or disabled family members). We can see no reason in principle why other categories of caring inter-dependent relationship should not also enjoy these benefits proposed to be extended to same-sex couples which are not dependent upon the relationship being a sexual relationship.

It seems to us that while reliance in the Bill on the definition of "defacto relationship" in the Property (Relationships) Act 1984 may be a convenient mechanism to deal with the disadvantage suffered by same-sex couples, it has the effect of unfairly excluding other types of relationship.

Denial of genetic parentage

Our second concern is that the granting of certain entitlements to same-sex partners compromises the "best interests of the child" by denying the reality of a biological father and a biological mother. In particular, we are opposed to any amendment to the *Births, Deaths and Marriages Registration Act 1995* which will allow a same-sex partner's name to be included on a child's birth certificate and we are opposed to the retrospective nature of this amendment.

The letter goes on but I will read just the relevant sections, First:

The birth certificate is an official document of profound symbolic and personal significance to the individual whose birth it registers. Throughout the course of a person's life the need to know the identity of their biological parent often increases and so it is important that the integrity of the birth certificate is maintained on behalf of each child. While we support the establishment of donor registers, we believe that the birth certificate is a superior source of information about one's genetic origins as it is not dependent on the individual first knowing that they are the result of a fertilization procedure. It is the responsibility of the State to protect the interests of the child in this circumstance by ensuring that (to the extent that it is possible) the birth certificate identifies the biological parents.

The letter concludes:

Time prevents us from detailing other concerns we have with the Bill. However we commend for your serious consideration the enclosed statement setting out the principles we have adopted in approaching reforms in this area.

The writer attached a detailed statement of principles concerning same-sex law reform. I will not read that but I seek leave to incorporate that statement in my speech. It is a one-page statement of principle.

Leave granted.

Anglican Church Diocese of Sydney

STANDING COMMITTEE OF SYNOD

Statement of principles concerning same-sex law reform

1. We support and encourage people to care for each other.

It is not part of our mission to oppose care and support between people. For the purposes of civic order, we are not interested in sexual expression at that point. We support all changes to the law that promote and support relationships of care. Where relationship registers recognise such care, they are welcomed. Of course it follows that we would oppose any changes to the law that privileged same sex relationships over other caring relationships (e.g. for elderly siblings or disabled family members etc.).

2. The needs of children take priority over the wants of adults.

On the one hand, to the extent that same-sex couples have taken up roles as main carers of children, we support them in that role just as we support single parents). We do so without prejudice to the children concerned. We realise that our opposition to homosexual lifestyle should never take the form of challenging or compromising the security of children for whom these carers are the most significant adults they know. On the other hand, where children are in need of care and the State must decide the child's care arrangements, the State must observe the most conservative possible estimate of best care. This judgement is to be made in the interests of each child, not each applicant. The State's most conservative best estimate should be that a stable, loving, harmonious married couple offer the best conditions for a child's care.

3. Marriage is not 'reinventable'.

The question of who may be 'married' cannot be reduced to whether another extension of individual rights is merited in this case. Rather, participants in the debate must confront the question whether marriage, and family, have an enduring structural character that must be reckoned with before courts or legislators rush to judgement on the so-called "rights" question' (J. Chaplin). If the State chooses to 'reinvent' marriage for the sake of an individual's rights, then there is no real limit to what may be called 'marriage'. Supposed expansions of the class 'married' will simply cheapen the currency of the term-and the law will eventually have to find another way to recognise lifetime male-female couples who welcome children.

4. We seek a society that graciously allows cultural space for marriage.

A 'good' society must accept, support and care for families without a 'nuclear' core, but something seems to have gone wrong in a society that does not naturally produce and keep a large proportion of such families. A society needs to do all it can to produce and keep a large proportion of families where stable, loving, harmonious married couples are open to bearing and raising children.

'Marriage' names men and women who give themselves to this excellent task. Use of the term reflects a form 'positive discrimination', which has traditionally been accorded to those who embark upon that task. We ask all in our society to continue to honour marriage in this way. Daily realities of gay liberty and equity would not be compromised by conceding this cultural space to marriage. Hence marriage ceremonies and registration should remain for the married.

We note in this respect the legally expedient redefinition of 'spouse' to include members of same sex and de facto couples. We recognise that this expediency has been used to encompass a variety of care relationships within existing legislation. However we remain concerned that this solution compromises and confuses the proper privilege that society has traditionally accorded to marriage.

Reverend the Hon. FRED NILE: I have also received a letter dated 29 May from Chris Meney, Director of the Life, Marriage and Family Centre, which is part of the Catholic Archdiocese of Sydney, which is led, as we all know, by Cardinal George Pell. That letter sets out concerns similar to those expressed in the Anglican letter. I will read just some of it. The letter commences:

I am writing to express my concern about the impact of the Miscellaneous Acts Amendment ... (Same Sex) Bill 2008 which is currently under consideration in the New South Wales Parliament.

As Director of the Life, Marriage and Family Centre, and drawing on my experience as a family and parent advocate, I wish to raise a number of points as a way of providing some assistance for your deliberations. The Centre which I represent is an agency of the Catholic Archdiocese of Sydney in which almost 600,000 Catholics currently reside and who form part of the almost two million Catholics who live in the State of New South Wales.

The Catholic Church has a long and ongoing tradition of acting in the interest of families and children and in particular, for children whose parents are unable to care for them adequately. Catholic agencies have long dedicated significant resources to the care and support of families and to the fostering and adoption of children. We continue to be involved as a significant non-government provider of child placement and related family support services.

Catholics hold strong beliefs about the dignity of the human person, especially children, and of the intrinsic value of marriage and family both for the individual and for the society. Within this context, we are very supportive of processes which place the best interests of the child and their ability to flourish within society as paramount considerations. We are deeply committed to the welfare of both particular children in particular circumstances and also with what is best for children in general.

The letter then goes on to refer to the legislation in detail:

The subject bill currently before the Parliament appears to place at risk essential considerations regarding the best interests of the child. These considerations include a child's right to be known, loved and raised by their biological father. It supplants the role of the father and replaces him with a second adoptive "mother" who is the current partner of a child's biological mother. As such it seems to overturn the long held legal presumption that a child has one father and one mother. If this bill becomes law in its current form it will appear to make a clear statement regarding a number of new social positions which would then be sanctioned and supported by the state.

During your deliberations I ask that you consider if the following positions are either explicitly or implicitly advocated through this proposed legislation and whether or not you support them:

1. Having a mother and a father is an unnecessary duplication.
2. Intergenerational biological connectivity of fathers with their children is no longer important.

Of course, the Catholic Church does not believe these propositions. This is what it believes this legislation provides, and which it opposes. The letter continues:

3. A child has no right to the complete knowledge of his or her biological heritage.
4. Mothers can "father" just as well as men.
5. The needs of children are secondary to the desires and wants of female adults in a relationship.
6. Children do not have a presumed right to the complementary role modelling, care and affection of their biological father.
7. Given that a female same sex partner would have the legal right to "adopt" a child, it would be discriminatory to refuse this right to homosexual men in a relationship under subsequent legislation.
8. Persons and organisations that do not support the right of same sex adults to acquire parenting rights over their non-biological children should be regarded as bigoted and subject to potential legal sanction.

That is why I referred to that amendment to the Anti-Discrimination Act. The letter continues:

9. Given the willingness to now move from a position that accords any special status to, or preferential support for, the ordinary family structure of mum, dad and their kids and the proposed acceptance of a "shared parenting arrangement" as sufficient, the recognition of polygamous and polyamorous relationships should now come under serious consideration.

We have already had a submission from a male homosexual group about adding extra names, so a child could have four parents. I think this has been proposed in Holland. The letter goes on:

I recognise that not all married heterosexuals make good parents and that many mothers who are in lesbian relationships are loving and generous towards their children. We do not favour any unjust discrimination. However, it is of note that a Family

Court parenting order can already be used by couples to gain recognition of a shared responsibility for children under current arrangements. All of us should be concerned with giving children the best possible start and ensuring that their right to know and have a significant relationship with their biological father is respected. In particular we should give greater weight to the experiences of those many children who have spoken of the pain of father absence. Children grow up wanting a loving and involved father in their lives. They deserve a better response from government and from society than simply being told that fathers do not matter.

Thank you for taking the time to read this letter. Your response to the issues raised within would be welcome.

Mr Meney has attached a statement about the Catholic Church's attitude. I will just read the headings and not the whole document, but I am happy to make it available to members. He says, "Fathers make a unique and important contribution to a child's wellbeing" and cites evidence to support that. He says, "Replacing a father with a second woman impacts on children" and he provides supporting material for that proposition. Next he says, "Replacing fathers with women places children at greater risk" and provides evidence to support that proposition.

A press release in a similar vein has been provided today, 3 June, by the New South Wales Council of Churches, which represents a number of Christian denominations, excluding the Catholic Church and the Uniting Church, but representing the remaining churches—Anglican, Presbyterian, Church of Christ, Salvation Army, and so on. It commences by stating:

The NSW Council of Churches views with grave concern the introduction of any legislation by the NSW Parliament that undermines the traditional Christian understanding of marriage and family, or attempts to equate same-sex relationships and same-sex parenting with their heterosexual counterparts.

The council provided material to support its proposition. Rather than read onto the record the media release from the New South Wales Council of Churches, I seek leave to incorporate it into *Hansard*.

Leave not granted.

I will read the remainder of the media release, which states:

1. Marriage

The NSW Council of Churches affirms the definition of marriage in the Marriage Act 1961 (as amended 2004). Further, the Council believes that marriage is a covenant relationship ordained by God between two people of the opposite sex, and that sexual activity outside of a marriage relationship between a man and a woman is immoral and counter to God's intention for humankind.

2. Same-sex parenting

The ideal environment in which to raise children, affirmed by the Bible, is a family with one father and one mother who are married to each other. Therefore it is not desirable for children to be raised by same-sex parents. Where a same-sex parenting arrangement cannot be avoided it is appropriate for the state to extend relevant children's rights to the children of same-sex parents, but this must be regarded as an exception to the norm rather than as a precedent allowing further erosion of community standards.

3. Birth certificates

The NSW Council of Churches opposes the proposal to record on a child's birth certificate the name of a lesbian partner of a child's mother which wrongly indicates that the partner is a parent of the child. Where possible, birth certificates should record the name of the biological mother and biological father of the child. In the opinion of the NSW Council of Churches, the state should not legitimize or encourage a means of producing children that intentionally denies the right of a child to know his or her father (in accordance with practices relating to child adoption).

4. Homosexual persons

The NSW Council of Churches encourages a policy of welcoming lesbian, gay, bisexual and transgender persons but does not affirm any form of sexual intercourse outside of a marriage of one man and one woman. Similarly, the NSW Council of Churches does not affirm "alternative" patterns of parenting such as parenting by same-sex couples. The biblical imperative of love and compassion for all people does not extend to celebrating or condoning patterns of behaviour consistently prohibited by the Bible.

We encourage all ministers and church members to affirm the Bible as the supreme authority in all matters of faith and conduct. With respect to sexuality, the Bible teaches that monogamous heterosexual marriage is the only appropriate context for sexual intercourse.

I also received a copy of a media release from Helen Polley, Senator for Tasmania. I am not sure whether she is a Labor or Liberal senator.

The Hon. Greg Donnelly: She is a Labor senator.

Reverend the Hon. FRED NILE: I thought she was Labor. I will read this as she may speak for some Labor members who have reservations about the legislation. The media release is headed "Fathers Miss Out" and states:

I feel the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 proceeding through the NSW State that Parliament undermines the role of fathers in the family unit.

The Bill proposes that the word "father" be removed from birth certificates to recognise lesbian couples that have had children through IVF.

This Bill is an attack on families.

It is worthy to note that the words "mother" or "maternity" from current legislation will not be removed, only "father" and "paternity". This bill effectively discriminates against fathers.

This Bill will have far-reaching implications for some 57 pieces of legislation. My question is, why should family laws be changed to accommodate a small minority?

I will not read the other lengthy documents that have been supplied to me, but I place on record that the Shared Parenting Council of Australia issued a very thoughtful, rational, six-page statement, headed "NSW Law Says Fathers Not Required". Men's Health Australia supplied a three-page submission in which it made a strong case about removal of the word "paternity" and this became the basis of my foreshadowed amendment. The concluding paragraph of the submission stated:

It is absolutely critical that this language be changed before the final Bill is passed into law. Such a change of the language would not affect the legislative impact of the Bill in any way. Strongly recommended that the NSW Parliament change of their term "partner leave" into the term "paternity and parental leave" in all instances in the Miscellaneous Acts Amendment (Same-Sex Relationships) Bill 2008.

The reasons for the change in language are twofold:

The term "paternity and parental leave" accurately reflects the primary reason leave is being granted by an employer: to father or parent the child. It does this in a way that the term "partner leave" clearly fails to do.

The term "paternity and parental leave" accurately reflects the fact that the vast majority of people who will take this leave are fathers. Mothers' partners (other than fathers) are but a tiny minority at this point. Although it is important to value and not discriminate against them, it is also important to continue to value the very specific parental relationship that fathers (like mothers) have with their children.

Eleven people signed the submission. Many are psychologists, clinical nurses, specialists and social workers, all who are active in the field and know what they are talking about. I hope that my foreshadowed amendment will be supported. The Australian Evangelical Alliance, which represents many churches, has also provided a submission entitled "Same Sex Relationships and the Law". I have received a detailed document from the Australian Christian Lobby expressing concern about the legislation. In a press release dated 2 June, it states:

The Australian Christian Lobby today urged the NSW Parliament to reject proposed law changes which would dismiss fathers from some children's birth certificates and also replace references to fathers and mothers with references to "either parent".

The Australian Christian Lobby provides reasons for its position and in conclusion states:

Society needs to be reaffirming the role of dads in families, not dismissing their very existence from some birth certificates and further marginalising them. It also seems wrong to incorporate deliberate official dishonesty to a child's birth certificate, denying part and parcel of their biological identity.

I have covered sufficient material to indicate widespread concern about the bill. This may come as a surprise to the Attorney General, who perhaps thought this bill was non-controversial. To the contrary, it has caused a strong reaction across New South Wales. Therefore, it would be prudent for the Government to accept my proposition that the bill be referred to the Standing Committee on Law and Justice. Indeed, I do not believe it is urgent and must be passed today. It is far better to pass laws that we can be proud of rather than law that has strong opposition from community and church groups across the State. The Government should not pass the bill simply because it has the numbers. It has a responsibility to re-examine the legislation in light of the implications and the fact that it will require amendment to 57 Acts of Parliament.

[The President left the chair at 6.29 p.m. The House resumed at 8.00 p.m.]

The Hon. CHARLIE LYNN [8.00 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 seeks to amend various Acts and regulations to give parental rights to same-sex couples

over children who were conceived by artificial fertilisation. It also seeks to ensure that children in same-sex relationships are treated by the law as having the same rights and entitlements as the children of other relationships. The introduction of the bill continues the form of this tired Government. It has nothing to do with better government for the people of New South Wales; it is a tacky attempt to divert attention from the Government's electricity privatisation debacle. And what a debacle it is with the lefties in its party totally opposed to the proposition. The spectre of pragmatic forces from the whatever-it-takes school of politics lining up to ram the privatisation of electricity assets through the annual Australian Labor Party conference was frightening. Morris Iemma, Michael Costa, Frank Sartor, Joe Tripodi and Reba Meagher were akin to Mick Gatto and his mates arriving on one's doorstep to recover investors' money from the recent Opes Prime collapse. Mick might be a feared godfather from Carlton's underbelly but he is an absolute pussycat when one compares him with the Iemma-belly of the Labor Right here in New South Wales. "Mandate" is certainly not part of their language. If it were, they would put their proposals for social change into the public arena for discussion before bringing them into this Parliament.

The Hon. John Hatzistergos: We did.

The Hon. CHARLIE LYNN: No, you did not. Immediately after the 2003 election former Premier Bob Carr introduced a bill to lower the age of consent for young boys from 18 to 16 years. During the election campaign there was not one squeak about Labor's intent to expose vulnerable young boys to sexual predators. But as soon as they clambered back onto the Government benches, they introduced the bill. The bill had nothing to do with the Government's duty of care to vulnerable young people. It was designed as a fillip to the left-wing minority in the party and as a wedge between the conservative and progressive elements of our Liberal team. The Labor Party is aware that our political philosophy allows members to have a view on important social issues and allows them the individual freedom to vote according to their conscience.

This is an important difference between us and the Labor Party, whose political philosophy is based on group think. The trouble with this philosophy is that most Labor members are irrelevant because the likes of Morris Iemma, Michael Costa, Frank Sartor and Joe Tripodi do their thinking for them. And if they do not do what this political underbelly do or say, at the next preselection they are fitted with the political equivalent of cement boots.

The strategy behind the introduction of this bill is the same as that behind the legislation that lowered the age of consent for young boys. There is no need for this bill to be brought before the Parliament at this time. There has not been any public demand for it or debate on the issue. In fact, the Government has been sitting on the Law Reform Commission report into the issue for the past two years. The commission presented its report 113 to the former Attorney General, Bob Debus, in June 2006. It was only released publicly by the Iemma Government on 22 April 2008, simultaneously with the media release of the current Attorney General, the Hon. John Hatzistergos, headed "Rights for Children of Same Sex Female Parents".

The bill seeks to equate the position of a lesbian partner of a woman who has a child after becoming pregnant by a fertilisation procedure, other than sexual intercourse, to the position of a married woman's husband. This is achieved by several means. The bill uses the definition of "de facto relationship" in section 4 of the Property (Relationships) Act, which includes same-sex couples, notably lesbian couples, in amendments to the Status of Children Act 1996. The bill uses the expression "de facto partner" and the definition of "de facto relationship" in section 4 of the Property (Relationships) Act in amendments to the Anti-Discrimination Act 1977, replacing paragraph (f), "in cohabitation, otherwise than in marriage, with a person of the opposite sex."

The bill adds to the definitions of "relative" and "near relative" in the Anti-Discrimination Act 1977 "the de facto partner" of the person, which would include a lesbian partner of a woman who bears a child after becoming pregnant by a fertilisation procedure. The bill introduces the expressions "birth mother" to replace "mother" and "both parents" to replace "the father and the mother" in amendments to the Births, Deaths and Marriages Registration Act 1995. I will deal with this issue in more detail later in my speech. However, it is the issue that has stirred the most concern in the community, and it is the issue about which I am most concerned. The bill replaces "paternity leave" with "partner leave" in the Industrial Relations Act 1996, to include same-sex lesbian de facto partners. Members should be aware that New South Wales has no law preventing single or lesbian women having access to in-vitro fertilisation, gamete intrafallopian transfer, or other fertilisation procedures, as occurs in other States.

I will now refer to some of the changes in more detail. Currently the Status of Children Act 1996 recognises, under section 14, the presumption of parentage that arises out of the use of fertilisation procedures. At present those rights are afforded only:

- (1) when a married woman has undergone a fertilisation procedure as a result of which she becomes pregnant:
 - (a) her husband is presumed to be the father of any child born as a result of the pregnancy even if he did not provide any or all of the sperm used in the procedure, but only if he consented to the procedure, and
 - (b) the woman is presumed to be the mother of any child born as a result of the pregnancy even if she did not provide the ovum used in the procedure.

Section 14 (6) of the Status of Children Act 1996 recognises that a married woman is a woman living with a man as his wife on a bona fide domestic basis although not married to that person. References to a husband are also to be taken in this vein under section 14 (6) (b) (i), effectively a de facto relationship. Under the current provisions, and also under the proposed changes, section 14 (2) specifies that the man who provides the sperm, if not the woman's husband—which would be read as "de facto" also in line with section 14 (6) (b) (i)—is presumed not to be the father. Also under section 14 (3), a woman who donates ovum for the procedure is not considered to be the mother.

The bill seeks to insert in the Status of Children Act section 14 (1A), which would give recognition of both persons involved in a lesbian de facto relationship in this area. Recognition is given to the woman who has become pregnant as the mother, even if she did not provide the ovum, and the other woman in the relationship is presumed to be "a parent", so long as she consented to the procedure. The bill also inserts new section 14 (5A), which creates a presumption that the consent of a woman in a de facto relationship to such a procedure would be assumed.

Section 14 (6) (a) is amended from "living with a man as his wife on a bona fide domestic basis although not married to him" to read "in a de facto relationship with a man", and section 14 (6) (b) (i) is amended similarly. "De facto relationship" within this Act has the same meaning as it does in the Property (Relationships) Act 1984. The amendments will apply to procedures undertaken and consent given before the amendments but will not affect the previous operation of the law, any will, or the vesting in possession or in interest of any property.

The bill amends the Anti-Discrimination Act 1977 to insert a recognition of de facto partner and de facto relationship under the Property (Relationships) Act 1984. The bill removes the definition of "marital status" under section 4 (1) and replaces it with "marital or domestic status". That definition is identical except for the replacement of paragraph (f), which reads "in cohabitation, other than in marriage, with a person of the opposite sex", with "in a de facto relationship". The bill also amends the Act to include "de facto partner" in the definition of "near relative" and "relative". Changes are also made to many other sections of the Act to amend it to read "marital or domestic relationship".

Within the Births, Deaths and Marriages Registration Act 1995 "mother" in most instances is amended to read "birth mother". Under section 18, registration of parentage details, the legislation, if amended, would read, "both parents", rather than "the father and mother". The words "or de facto partner" are inserted after "spouse". Provisions are also brought in as a consequence of changes in the Status of Children Act and savings provisions subsequent to that Act to allow for an application to the Registrar for addition of registrable information about the identity of a woman who is presumed to be the parent of a child. The Registrar must not change the register unless the application is made jointly by that woman and the birth mother, the completed registration also includes a father who has consented to the removal of his details. Other Acts are amended to include definitions of "de facto" or "de facto partner" in line with their meaning under the Property (Relationships) Act 1984. "Domestic violence" is also amended to read "personal violence".

An enormous amount of research is available in regard to family relationships and the raising of children but it seems to me that much of it is inconclusive. It is for that reason that I believe the debate should be in the public arena to allow organisations from all persuasions and backgrounds to research, discuss and debate and to present their findings to their elected representatives. As a result members of this House would be more informed to allow them to make decisions that will have significant social consequences. On 7 May 2008 a report of the Agence France Press international newsagency stated:

An ever-growing number of gay couples are paying tens of thousands of dollars to have surrogate mothers carry their babies turning America's concept of traditional family on its head.

It took two women and two men of two-year old twins Katherine and Connor to come to life.

Their fathers, Michael Eidelman and A. J. Vincent, who have lived together for years, invested love, time and all their savings to build their family in New York's Chelsea neighbourhood.

The eggs were donated by a woman in Washington state and fertilised in vitro with sperm from both men. The fertilised egg was then inserted in the uterus of a woman from Ohio.

Each man is the biological father of one of the twins, who were born in Los Angeles, where the laws are less stringent for same-sex couples.

"I am so glad we chose that pathway," said Idelman, a 40-year-old dermatologist.

"It definitely has challenges on a day-to-day basis. You never know what is coming your way," he said. "But, on the other hand, it is more rewarding than any other thing I have done in my life."

To fulfil their dream of parenthood, the couple turned to Circle Surrogacy, a company that helps people find egg donors and host mothers and navigate through the legal and medical insurance process.

"It is a very successful business," said Circle Surrogacy President John Weltman.

"In 12 years we have grown 6,000 per cent with no borrowing whatsoever and profit made every month," he said. "We expect to double in the next two and a half years."

When the company was launched, 10 per cent of its clients were gay couples. Today 80 per cent are same-sex couples from 29 countries.

"Actually, of the 250 or so couples that we have helped, all but about four are still together, a less than two per cent break up rate, as opposed to the national average of 50 per cent," he said.

The "gay baby boom" has made families with two fathers a common sight in New York City's daycare centers and parks, although gay couples legally marry only in one US state, Massachusetts.

"It is not looked at any more as something so weird or strange," said Sanford Bernardo, president of the Northeast Assisted Fertility Group from Boston, Massachusetts.

"More and more people are doing it," said Bernardo, whose company has clients from Asia to the Middle East and Europe. "It is not for celebrities anymore."

The process costs at least 100,000 dollars, with 25,000 dollars going to the surrogate mother and between 4,000 dollars and 10,000 dollars to the egg donor. The rest goes to the agency, medical costs and legal fees.

Coupled with adoption, the number of families with gay parents is growing. According to the American Academy of Paediatrics, between one million and nine million children under the age of 18 have same-sex parents today.

Henry, a blue-eyed baby turning two in August has two fathers—Christopher Hietikko and Jeffrey Parsons—both in their 40s. His surrogate mother, a lesbian from California, has been made part of the family.

"We became very close and still are very close," said Parsons, a psychology professor at Hunter College. "We did not want to treat it as a business arrangement. We wanted to treat it more like creating a family."

The two men don't know who fathered Henry, but they will take a DNA test once they are ready for a second child to decide who will be the next baby's biological dad.

For their first child, the sperm samples from both men were mixed together to give each an equal chance of becoming the biological father, Parsons said.

The boy was born in California, and the names of both fathers appear on the birth certificate.

The psychologist insists that children born in these 21st-century families are as happy as kids whose parents are a woman and a man.

"The research shows very clearly that what children need the most to thrive and survive is a safe, and secure, and loving home," he said.

"It really doesn't matter whether there are two moms in that home, two dads in that home, a single dad, a single mom, whatever, as long as a child knows that he/she is loved and is cared for."

Research does not support what those people are saying. On 30 January 2008 Elizabeth Marquardt gave a presentation to the Iona Institute in Dublin on the subject of "How redefining marriage redefines parenthood". In her presentation, which was entitled "Do Fathers matter? Do Mothers matter?", she said:

Worldwide trends in law and reproductive technologies are redefining parenthood in ways that increasingly put the interests of adults before the needs of children.

She makes a very important point because what we talking about here are the interests of adults. At this stage of the debate there is no research available relating to the interests of children. Elizabeth Marquardt continued:

Around the world, the two-person, mother-father model of marriage and parenthood is being challenged. The growing emphasis is on meeting adults' rights *to* children rather than children's needs to know and be raised, whenever possible, by their mother and father.

Trends driving this revolution in parenthood include high rates of divorce and single-parent childbearing, the growing use of egg and sperm donors, support for same-sex marriage, and increasing interest in group marriage arrangements. These changes are proceeding at breakneck speed as reproductive technologies advance, as science continues pushing the boundaries on baby-making, and as new constituencies are more openly raising children and advocating for legal and public recognition. Quite often the state is actively supporting and at times leading the way in the revolution in parenthood.

In law and culture, the new idea is that children are fine with any one or more adults being called their parents so long as the appointed parents are nice people. But how do children feel about the brave new world of parenthood? Do fathers and mothers matter to children? Does how they feel matter?

Among the changes that are redefining the two-parent, mother-father model of parenthood are:

In Canada, the law that recently legalized same-sex marriage nationally also quietly erased the term "natural parent" across the board in federal law, replacing it with the term "legal parent". With that little-noticed change the focus of the law dramatically shifted from the mother and father who make the baby to the adults the state decides are a child's appropriate parents.

In Spain, after the recent legalisation of same-sex marriage the National Civil Registry struck the words "mother" and "father" from the first document issued to every newborn by the state. Instead, all birth certificates will now read "Progenitor A" and "Progenitor B."

A similar proposal was made in Massachusetts after the legalization of same-sex marriage. The public health department there proposed amending birth certificates for all children in the state to read "parent A" and "parent B" rather than "mother" and "father".

In New Zealand and Australia, influential law commissions have proposed allowing children conceived with use of sperm or egg donors to have three legal parents. Yet neither group addresses the real possibility that a child's three legal parents could break up and feud over the child's best interests.

Other steps governments are taking signal a greatly heightened level of state intervention and increasing control over reproduction and family life.

In Britain, a recent law banning donor anonymity caused a purported drop in the number of persons willing to donate sperm or eggs. Soon thereafter the government health service began an active campaign to recruit sperm and egg donors, no longer just allowing the planned conception of children separated from one or both biological parents, but now very intentionally promoting it.

In another example of active state support, in high-tax Denmark the state subsidizes the practice of sperm donation by allowing the income earned by sperm donors to be tax-exempt. The Danish company Cryos, one of the world's largest sperm banks, ships almost three-quarters of its sperm to individuals and couples overseas—all with the implicit support of the Danish taxpayer. And in a recent, dramatic step, the Danish parliament recently passed a law that gives lesbian couples and single women the right to obtain free artificial insemination at publicly-funded hospitals.

Elizabeth Marquardt went on to say:

In Australia, a law passed in 1984 that allows sperm donors to contact their over-18 offspring has now raised the prospect that, starting this year, young adults who were conceived using donor sperm might receive a letter from the state alerting them to the sperm donor's wish to contact them. In Australia, as elsewhere, most young people who were conceived with donor sperm were never told the truth by their parents. To help offset the potential shock, the state government in Victoria has proposed a public advertising campaign warning all young adults that they could be contacted by a sperm donor father they never knew about.

Meanwhile, in the United States the field of reproductive technology continues in an almost unregulated environment. All too frequently courts must decide who a child's parents are, picking and choosing among the many adults who might be involved in planning, conceiving, birthing and raising a child.

In Pennsylvania a judge recently had to decide parentage in a case in which a surrogate mother carried triplets for a 62-year-old man and his 60-year-old girlfriend. When the couple failed to pick up the infants, the hospital initiated steps to put them in foster care. In response, and eventually with the judge's approval, the surrogate mother took the children home and began raising them as her own. But the commissioning couple continues to fight for access to the children (and the 62-year-old man has been ordered to pay child support), while the college student who contributed her eggs for their conception asserted her parental rights as well.

Recently the California State Supreme Court heard three cases of lesbian couples who had used sperm donors to have children and then split up. In these cases the non-biological mother figure (none of whom had adopted the child) was either denied access to the child or wished to have no further financial obligations to the child. The courts ruled in all three cases that the non-biological mother figure is like a child's father and should be granted full parental status and held to the same standard of rights and responsibilities. The outcome has potentially far-reaching implications not just for same-sex couples but also for the many heterosexual couples in stepfamilies, as well as those who might use reproductive technology or temporarily raise children together without marriage, adoption or other legal arrangements.

In fact, today same-sex couples, adoptive parents, singles and infertile couples using donors now routinely petition to have one or both biological parents left off the birth certificate—and even to have non-biological parent figures included without going through the process of adoption. In Quebec, when a woman in a same-sex civil union gives birth, her female partner is presumed to be the father and can be registered as the father on the child's birth certificate. A similar ruling was recently made in Ontario. Last year, a New Jersey judge ruled for the first time in that state that the same-sex partner of a woman who conceives with donor sperm has an automatic right to be listed as a birth parent on the child's birth certificate without formally having to adopt a child. The state of California shows a "second mother" to be entered on the birth certificate as the child's father. Earlier this year, Virginia issued a birth certificate to a lesbian adoptive couple that reads "Parent 1" and "Parent 2", after the couple rejected having one of their names put in the blank space under "father". A similar suit was filed in Oregon. More are likely.

Elizabeth Marquardt went on to look at how the global redefinition of parenthood threatens a child's identity. She asked:

Why should we be concerned about the many rulings, laws and proposals around the world that are aimed at redefining parenthood?

A good society protects the interests of its most vulnerable citizens, especially children. Right now, the institution that is most core to children's very survival—that of parenthood—is being fundamentally redefined with the state giving its implicit support and at times leading the way.

The common thread running through many of these decisions is the adult's right to a child. These claims are important. The desire for a child is a powerful force held deep in the soul. This desire must be responded to with respect and compassion. The claim that medicine and society should help those who cannot bear children is a legitimate one.

But the rights and needs of adults who wish to bear children are not the only part of the story.

Children, too, have rights and needs.. For example, the United Nations Convention on the Rights of the Child, ratified in 1989, states that "the child shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents". The authors of the convention understood several key features necessary to human identity, security and flourishing—having a name, being a citizen of a nation whose laws protect you, and, whenever possible, being raised by the two people whose physical union made you.

Adults who support the use of new technologies to bear children sometimes say that biology does not matter to children, that all children need is a loving family. Yet biology clearly matters to the adults who go to extreme lengths —undergoing high-risk medical procedures; procuring eggs, sperm, or wombs from strangers; and paying a lot of money—to create a child genetically related to a least one of them. In a striking contradiction, these same people will often insist that the child's biological relationship to an absent donor father or mother should not really matter to the child.

Of course, there is a very real and urgent role for the state to play in defining parenthood. Some biological parents present a danger to their children. Adoption is a pro-child social institution that finds parents for children who desperately need them. It is a highly admirable expression of altruistic love, a kind of love that transcends our hard-wired tendencies to protect our blood relations above all others. But the existence of legal adoption was never intended to support the argument that children don't care who their fathers and mothers are, or to justify the planned separation of children from biological mothers and fathers before the children are even conceived.

Certainly, biology is not everything. It does not and should not determine the full extent or depth of human relationships. Biological parents are tragically capable of harming their children, and some children are better off removed from these parents. But the actions and testimony of children and adults, as well as a great deal of social science evidence, powerfully suggest that biology does matter.

Elizabeth Marquardt went on to discuss a child's point of view. She said:

To be perfectly clear, the question is not whether children love the parents who raise them. Children almost universally and unquestioningly love their parents, whether their parents are married, divorced, single, gay or straight. Rather, the question is how children feel and how they make sense of their identities when their mother or father (or both) is absent from their daily lives.

The first generation of donor-conceived children, who are now coming of age form a remarkable case study to explore this question. Most children in this first generation were conceived by married heterosexual couples using donor sperm. Anecdotally, many are now speaking out about the powerful impact on children's identity when adults purposefully conceive a child with the clear intention of separating that child from a biological parent. These young people often say they were denied the birthright of being raised by or at least knowing about their biological fathers. They say that this intentional denial profoundly shaped their quest to understand who they are.

How many people do we meet in everyday society in Australia who in their 50s and 60s are still trying to work out who they are? These circumstances make it that much more difficult. Elizabeth Marquardt continued:

Donorconceived teenagers and adults are forming organisations, being quoted in news articles, and using the Internet to try to contact their sperm donors and find half-siblings conceived with the same sperm. They hail from the United States, Canada, Australia, Britain, Japan and elsewhere. Numbers are hard to come by, but estimates are that the number of children now born in the US each year through artificial insemination range from 30,000 to 75,000 and that about 3,000 each year are conceived using donor eggs. While the numbers arguably are small, they are growing and the stories these young people tell raise questions not only about their own experiences but about the prospects for the next generation of children.

Donor conceived young people point out that the informed consent of the most vulnerable party—the child—is not obtained in reproductive technology procedures that intentionally separate children from one or both of their biological parents. They ask how the state can aid and defend a practice that denies them their birthright to know and be raised by their own parents and that forcibly conceals half of their genetic heritage. Some call themselves "lopsided" or "half-adopted." At least one uses the term "kinship slave." Some born of lesbian or gay parents call themselves "queer spawn", although others in the same situation find the term offensive. No studies have been done on these young people's long-term emotional experience.

This is the point: we are not scientific beings; we are not logical beings; we are emotional beings—human beings.

Clearly, rigorous long-term studies need to be done. For now, we should listen to their compelling voices.

In interviews, donor conceived young adults often say something like this: My sperm donor is "half of who I am." One young woman says she wants to meet her donor because she wants to know "what half of me is, what half of me comes from". Another says, "I want to meet the donor because I want to know the other half of where I'm from." Another is seeking information because, she says, "I feel my right to know who I am and where I come from has been taken away from me."

A 17 year old in Texas plans to ask the California sperm bank that aided in her conception to forward a letter to her donor when she turns 18. "There's a lot of unanswered questions in my life and I guess I want the answers," she explained. By contrast, her mother, interviewed for the same story, observed, "As a woman dealing with the prospect of infertility, all you want is that baby...It never even occurred to me this child might want to find her biological father someday."

Just recently a 14 year old girl in Pennsylvania wrote to Dear Abby after finding out she was conceived with donor sperm. In just a few sentences she identified some of the enormous identity issues that confront donor conceived young people and that are now a challenge to our society. She wrote: "It scares me to think I may have brothers or sisters out there, and that he may not care that I exist." This young teenager, struggling alone with feelings of abandonment, grief, and confusion, poignantly challenged the current legal and social position on this issue: "I don't understand why it's legal to just donate when a child may be born."

The social evidence suggesting the importance of biological parents was the next part of Ms Marquardt's presentation. She stated:

From a social scientific point of view, what we do know about children's experiences when they do not grow up with their own mother and father? In many areas we know a great deal. In some, we need to learn more.

Increasing numbers of people are realizing that marriage has important benefits for children. What many do not know is that there is something about the marriage of a child's own mother and father (as opposed to a remarriage) that on average brings these benefits. On many important indicators of child well-being, such as teen pregnancy, educational failure, delinquency and child abuse, children raised in stepfamilies look more like children of single parents than children raised by their own, married mother and father.

Some who advocate for legalized same-sex marriage say that it will be good for children because the children will now have two parents.. But the stepfamily data suggest it may not that simple. We don't know how much the poorer outcomes in stepfamilies are due to the history of dissolution and other unique problems facing stepfamilies, and how much is due to the child being raised in a home with a non-biologically related stepparent.

Moreover, the existing research on same-sex parenting is small and limited because same-sex couples raising children comprise a very small part of the overall population and are only recently becoming more visible. And a big problem with the current literature is that most of it compares single lesbian mothers to single heterosexual mothers - in other words, children in one kind of fatherless family with children in another kind of fatherless family.

We have far more to learn. But evidence and sensitive observations of children's lives strongly suggest the importance to children of recognizing their need to be raised, whenever possible, by their own mother and father (with adoption as a critical, pro-child back up plan) and the importance of recognizing the absence of their mother or father as a serious loss for a child.

Ms Marquardt went on to speak about the revolution in parenthood and asked what is next. She raised the issue of the increasing slippage in the meaning of fatherhood and motherhood and psychological parenthood. She stated:

The revolution of parenthood is contributing to further deep uncertainties in the meanings of fatherhood and motherhood.

And this is the core of our concern with this legislation—

By far the most striking and potentially far-reaching development - one already being witnessed in numerous courts - is the increasing recognition of "psychological" parenthood or "de facto" parental status. In the United States at least ten states, including Washington, California, Maine, Massachusetts, New Jersey, and Wisconsin, now allow someone with no biological or adoptive relationship to a child (and no marital relationship to a child's parent) to be assigned parental rights and responsibilities as a psychological or de facto parent. To determine retrospectively whether an adult was a "parent" in a child's life the courts examine indications such as whether the adult lived in the same household as the child, was encouraged to act as a parent by the child's existing parent, had acted like a parent without expecting financial compensation, and had spent enough time with the child to have bonded with him or her. In many of these cases the petitions are brought by ex-partners who charge that the child's existing parent is denying their rights to the child. In other cases the child's existing parent charges that the ex-partner is no shirking parental responsibilities. These cases typically concern same sex partners, but they also have serious, as yet unknown implications for the many heterosexuals who are or have been a child's stepparent or a parent's live-in partner.

The meaning of motherhood and fatherhood is encountering further challenges in the hard sciences. Right now, scientific research around the world with the DNA in eggs and sperm that is raising the possibility that children could be born from one genetic parent, two same-sex parents, or three parents. Headlines recently announced research at leading universities in Britain and New Zealand that could enable same-sex couples or single people to procreate. British scientists have been granted permission to create a human embryo with three genetic parents, and last year, a team in Scotland tricked an egg into dividing and created an embryo without a genetic father. Japanese scientists have already created a mouse with two genetic mothers and no father.

Meanwhile, the stem cell research field is growing ever closer to the fertility industry, as scientists strike bargains with doctors to secure eggs needed for therapeutic cloning from women undergoing fertility treatments, and as cloning techniques are perfected with the likelihood that they will one day, sooner or later, be used to produce babies. James Watson, of Watson and Crick fame, and Robert Edwards, the father of IVF treatment, last year both called at a public conference for reproductive cloning to be made available to couples who have exhausted all other options. In the hard sciences too, the two-person, mother-father model of parenthood is facing serious challenges.

New developments in the marriage debate are also posing new challenges:

Whatever one's feelings about the legalization of same-sex marriage, and however emphatically most advocates of same-sex marriage say they do not support group marriage, recent events make clear that successes in the same-sex marriage movement have emboldened others who wish to borrow the language of civil rights to break open the two-person understanding of marriage and, with it, parenthood. These efforts are emerging from at least two surprising directions.

Polyamory - Polyamorists are perhaps the newest, most unfamiliar players on the scene. Polyamory (meaning "many loves") is different from polygamy (meaning "many marriages"). Polyamory involves relationships of three or more people, any two of whom might or might not be married to one another. Advocates for polyamory often explicitly mimic the language used by supporters of gay, lesbian, and bisexual people. They say they must keep their many loves "in the closet."

It would be crowded in the closet—

That they cannot risk revealing their personal lives for fear of losing their jobs or custody of their children. That to reveal their inner "poly" nature is "coming out of the closet." That being poly is just who they are. For these folks, if two parents are good for children, then three or more "parents", spread among one or more households and sharing a sexual relationship with one another, is even better.

The topic of polyamory is emerging at the cutting edge of family law and advocacy, and among religious organizations the Unitarian Universalists for Polyamorous Awareness hope to make theirs the first to recognize and bless polyamorous relationships.

Polygamy – Polygamy, of course, is much better known and is currently criminalized in the United States and much of the west.

This might change. The new polygamy series on HBO, "Big Love", spawned surprisingly positive coverage of polygamy this spring, including sympathetic television interviews with polygamous families, a spate of news stories, including the opinion of polygamy activists that theirs is the next civil rights battle, and even a New York Times columnist who argued, "If polygamy is the strongest argument against same-sex marriage, then let the wedding bells ring. And in a development that shocked many Canadians, two government studies released last winter by their Justice Department recommended the decriminalization of polygamy. In the US and Canada a number of legal scholars are arguing, as one columnist summarized, that "the abuses of polygamy flourish amidst the isolation, stigma, and secrecy spawned by criminalization." Polygamy, per se, is not the problem, only "bad" polygamy.

So, what do we do now?

Given that in some ways the genie is already out of the bottle, it is not entirely clear what actions state and social leaders should take in the near future. For instance, with regard to reproductive technology, some nations have moved to ban the practice of anonymous donations of sperm and eggs. This would seem to be a positive development for children—after all, there is a strong argument to be made that children have a right and need to know their origins. Yet greater acceptance of the idea that donor conceived children have a right to know their origins is also leading to the idea that these children should have the possibility of some kind of relationship with their sperm or egg donor (and not just a file of information), or even that the donor should have some kind legal parental status in the child's life, such as in New Zealand and Australia where commissions have proposed allowing donors to "opt in" as children's third legal parent.

What might the future hold for children with three or more legal parents? We have no idea.

Or, in another example, after Britain passed a law banning donor anonymity there was a purported drastic drop in the number of men willing to donate sperm. Couples in that nation who wish to conceive now have even greater incentive to go abroad to nations and regions that have less regulation—such as Spain, India, Eastern Europe or elsewhere—to procure sperm or eggs or surrogate wombs, making it even less likely that their child will ever be able to trace their origins or form a relationship with a distant (and sometimes impoverished) donor abroad.

Again, how will these developments affect children? At the moment we have no real idea, but we certainly do have serious and immediate causes for concern.

For reasons like these, this report does not conclude with the usual list of specific policy recommendations. Rather, this report issues a call to fellow citizens of the United States and Canada and around the world. The call is for all of us to participate in urgently needed conversation and research about the revolution in parenthood and the needs of the children.

This report is just as appropriate here in Australia. The Government has sat on this report for two years; it has kept it under a blanket. It has been used for blatant political reasons—to take the heat off the electricity privatisation debacle.

The Hon. Christine Robertson: That is nonsense.

The Hon. CHARLIE LYNN: It has. Otherwise it would have been out in the public arena and debated by people across the board. It would have been raised in this place so that we could have a more informed debate. That has not occurred. The report continues:

To provide time and space for this conversation and for more research, this report also calls for a moratorium or a "time out" lasting five years. Until we better understand and prioritize the needs of children, no legislatures, courts, or commissions should press forward with recommendations or changes that broadly undermine the normative importance of mothers and fathers in the lives of children...

The Hon. Christine Robertson: You have talked for three-quarters of the—

The Hon. CHARLIE LYNN: The member might not have the interests of children at heart—that is quite obvious given her comments—but we do. That is why we support this type of report. The report continues:

...nor should they support intentionally denying unborn children knowledge of and a relationship with their own mother and father. Rather, they should concentrate their energies on rigorous inquiry and active debate about the needs of children—

The Hon. Christine Robertson: Unless you choose which ones should have a relationship with their mother and father.

The PRESIDENT: Order! I ask members to cease interjecting on the Hon. Charlie Lynn.

The Hon. CHARLIE LYNN: Particularly when they have nothing substantive to say.

The PRESIDENT: Order! The Hon. Charlie Lynn will address the bill before the Chair.

The Hon. CHARLIE LYNN: The report further states:

Rather, they should concentrate their energies on rigorous inquiry and active debate about the needs of children and the role of mothers and fathers in their lives.

The facts are this: Unless and until same-sex procreation or three-person reproduction becomes a reality, children will always arise from the union of one man and one woman. All children have, as the French feminist philosopher Sylviane Agacinski calls it, a "double origin," that of a mother and a father, an origin we cannot deny and that the children certainly cannot ignore, for they see it every time they look in the mirror. When we change the mother-father dimension of marriage or the two-person understanding of marriage, we also change understandings of parenthood in ways that dramatically impact the future for children.

Do mothers and fathers matter to children? Is there anything special—anything worth supporting—about the two-person, mother-father model? These are the questions on the table. Let's not experiment with a new generation of children and wait for the results to come in twenty years down the road. The time to take on these questions is now.

I commend that report to the House because every word is relevant to this debate. Members opposite want to rush the legislation through without any concern for the implications for the next generation. They will be living on their pension then; they will not worry about it. If they are genuinely concerned about the next generation, they should explore this research, which at this stage is inconclusive.

The Attorney General stated that children of same-sex relationships should have the same rights and entitlements as children of other relationships and that the changes to be enacted will ensure that the laws of intestacy will apply equally to the children of same-sex parents where the parents die without making a will. Although he would encourage all members of the community to make a will and keep it up to date, the rules of intestacy are an important safeguard for preserving the inheritance rights of the families of those who may die without having done so.

The Attorney General also stated that a key motivation for the Government in enacting these new parenting presumptions is to ensure that lesbian same-sex parents can take parental responsibility for their children with respect to their health, education and general wellbeing in the same way as is expected of all other parents. Thus consequential amendments are being made to the Births, Deaths and Marriages Act 1995 to ensure that both parents can be named on the child's birth certificate. This is an important measure because it will

enable both parents of a child created as a result of a fertilisation procedure provided to those in a lesbian same-sex de facto relationship to hold themselves out as the child's parents in circumstances where evidence of the parent-child relationship is demanded by public institutions such as hospitals and schools. It will also enable same-sex parents to engage with other authorities, such as sporting registration bodies, so often encountered by parents in the course of bringing up children.

Others have argued that the law needs to keep up with advances in technology, such as in artificial reproduction and changes in domestic arrangements. The report is inconclusive in that area. Changes enacted by this bill will help to create greater acceptance for same-sex couples in our society, breaking down barriers that have existed for many years. I do not have any issue with this. However, they should not reduce the status of mothers and fathers. This bill goes much further than earlier changes to property rights, because it involves the upbringing of children from an early age where they have no say as to whether they would want to be raised in a household with same-sex parents. That is a very important issue. This debate is about the rights of the adult, not the child. We do not know what the long-term consequences will be. Given the twittering on the other side, it would appear members opposite do not care.

The former Attorney General, Mr Shaw, was at pains to explain during the debate on the Property (Relationships) Amendment Bill 1999 that there was no intention to use the definition of de facto relationship introduced by that bill, which incorporated same-sex relationships, to change marriage or adoption laws—it was dealing with property. Mr Shaw said:

The definition of "de facto relationship" contained in the bill makes it clear that this is not a law about marriage. I take the opportunity to remind honourable members of the definition contained in the bill. It states:

For the purposes of this Act, a de facto relationship is a relationship between two adult persons:

- (a) who live together as a couple, and
- (b) who are not married to one another or related by family.

The definition makes it abundantly clear that the bill cannot relate to relationships between married people; nor can it be interpreted as in any way attempting to create marriage relationships between couples. It seeks to provide a scheme for property redistribution and, in some cases, maintenance on the breakdown of intimate relationships where the parties cannot access the rights available to married partners precisely because they are not married.

In any event, as honourable members are aware, it is not possible for any State legislature in this country to make laws relating to marriage, gay or otherwise. Pursuant to section 51 (xxi) of the Australian Constitution only the Commonwealth may make valid laws relating to marriage. That being the case, the amendment proposed by Reverend the Hon. F. J. Nile is unnecessary, but we do not oppose it and will not vote against it.

The then Attorney General went on:

I have only had short notice of the amendment to the amendment moved by the Hon. J. M. Samios. I have not really had time to consider it. It seems to indicate that the bill does not address the issue of or affect the law regarding adoption of children. If there is some other entitlement by law, it is not seeking to displace that. My immediate reaction, doing the best that I can in the tight time frame available, is that the Government will not oppose the amendment to the amendment. It seems to be a declaration of what I believe is the legal effect of the bill in any event. So the amendment as amended will not be opposed by the Government.

This same Government is now acting contrary to that statement. The Law Reform Commission had no qualms in recommending the definition to be used and the Government had no qualms in accepting the replacement of the definition of "de facto relationship" in the numerous Acts to be amended by the bill. It is most likely that the heterosexual definition in the Adoption Act, enacted after the insertion of a broader definition contained in the 1999 Property Legislation (Relationships) Amendment Act, will inevitably be next on the agenda. Enacting this type of legislation undermines the laws forbidding same-sex marriages, gay adoption, and on it goes. It transforms in a major way one of the most fundamental features of marriage—parenting. Many believe there is a greater potential for children raised by same-sex couples to suffer developmental problems and to be more likely to struggle with their own sexuality.

The integrity of the traditional family unit comprising a mother and a father is important to me and to the people I represent. Any legislative changes that recognise other forms of family relationships should not undermine the special status of the mother and the father within a family. I note the observation by Reverend the Hon. Dr Gordon Moyes about the names of same-sex couples appearing in documents or passports that travellers might be required to carry as a result of the war against terrorism. Young people travelling through less tolerant countries could be victimised as a result of this change. I acknowledge the suggestion by my colleague the Hon. Rick Colless about the issuing of a parenting certificate. This would allow the details of the

biological mother and father to remain on birth and death certificates and would allow more flexibility in the event of changes in same-sex family relationships. That seems to be a good, commonsense idea the Government could take on board.

I will not support the bill if my proposed amendment is not supported, because the legislation has been brought before this House for the wrong reasons. The Government has had plenty of time to prepare draft legislation for public debate over the past two years, but instead it has kept it under wraps and is using it as a wedge against Opposition members. If the Government were genuine in its concern for same-sex family relationships and the welfare of children raised in experimental social environments, it would allow a conscience vote amongst its members. Of course, it will not do this because its objective is to divert attention from the mess it has created in managing the affairs of this State. If the Government were fair dinkum, it would withdraw the bill and put it before the public so that the interest groups of all persuasions could do proper research and present their findings and views to their parliamentary representatives. But the Government will not do that. As a result, I will not be supporting the bill

I congratulate Opposition members on their healthy respect for other members' views on the bill. We are capable of independent thought and have demonstrated a commitment to Dr Stephen Covey's dictum to seek to understand before being understood and to respect different opinions about important social issues such as this. It is a pity that the Government has to resort to group thinking to ram social engineering legislation through the Parliament. I intend to move an amendment to the bill in Committee.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [8.53 p.m.]: I congratulate all members who have spoken to the bill. The debate has been conducted with tolerance and decency, and very different views have been expressed. My friend the Hon. Charlie Lynn referred to research on polygamy and similar activities. However, I am only aware of *Pollyanna*, a Disney film based on a classic novel, about someone who wants everything to be nice. I hope I am able to approach the issue from that point of view. This bill and its concept is supportable. However, some members who support same-sex couples' recognition rights find it hard to do so if it means the removal of other rights. A wrong cannot be redressed by removing a right. For example, what is the definition of "parent-cum-father"? I am persuaded somewhat by the amendment foreshadowed by the Hon. Charlie Lynn that intends to reinstate the word "father" without removing the rights of lesbian couples with children.

I am told by my colleagues and Government members that this amendment technically does not achieve that aim. If the amendment is proven to be discriminatory rather than helpful, I will not be able to support it. Sadly, that would mean I could not support the bill—and I would like to support it. I would need to be convinced that the Hon. Charlie Lynn's amendment is a fair amendment that will do exactly what it is meant to do. I hope it does just that and does not remove the rights of others. If members show me that the amendment will remove the rights of others, I could not support it and, therefore, could not support the bill as it stands. The only other way I could support the bill would be if the Attorney General, rather than giving veiled undertakings about inserting "parent or father" by regulation, actually puts that provision in the bill. That would certainly enable me to support the bill.

Either the Hon. Charlie Lynn's amendment is accepted, or the Attorney General has to insert a provision in the bill that will address concerns about giving rights to some people—rights that should be granted—by removing the rights of many others. I leave it with the Government. I do not want to vote against the bill but that is where I stand.

The Hon. CATHERINE CUSACK [8.57 p.m.]: The term "motherhood" has a particular meaning in politics. A motherhood statement is one that is agreeable to all and should not be attacked under pain of making a fool of oneself. People who are prone to making motherhood statements are vulnerable to criticism that their remarks are so agreeable that all meaning has been stripped from them, rendering them wholly useless for the purposes of debate. The term "motherhood" has had other meanings in civic affairs. For several centuries men succeeded in dominating Westminster parliaments by enthusing about the virtues of motherhood and effectively defining women right out of politics. The expression "damning with faint praise" certainly comes to mind.

Motherhood is the exclusive preserve of women. But somehow its meaning has been politicised and hijacked by our male counterparts in a way that is very counterproductive to the wellbeing of us all. Members may not be aware that between 1921 and 1922 New South Wales had a Minister for Motherhood. Yes, the Minister for Motherhood was a man. His name was John Joseph McGirr, and he was Minister for Labour and Public Health and Motherhood. Some Government members secretly think those were the good old days, but I will not divert from the point.

The Hon. Duncan Gay: His grandson was a member of the National Party.

The Hon. CATHERINE CUSACK: I acknowledge that interjection. His brother went on to be Premier of New South Wales. Certainly there was nothing at all effeminate about the name John Joseph McGirr; he was the Labour member who served, for a time, as Minister for Labour, Motherhood, and Public Health. This bill is very much about motherhood. I find it ironic and disturbing that in the year 2008 so many men still seek to control the definition and meaning of what it is to be a mother. None of them has actually given birth and many of the people being quoted as authorities in this debate have not even had sex.

Why is it that people who remove themselves as far as possible from the experience are regarded as qualified to sit in thundering judgement on women who are giving birth and are parenting these precious gifts? I find it arrogant and wicked for any person to interfere or seek to cast a slur upon a mother's love for her child. Indeed, it takes my breath away to hear weasel words from people who often claim to stand for family values.

My party, the Liberal Party, believes in the idea that, as citizens with rights, we also have reciprocal responsibilities. Robert Menzies spelt this out clearly in his "forgotten people" address, where he eulogised families and the values of citizenship. The Howard Government gave effect to this belief in many programs that required the recipients of income support to give back to our community. These are values that build social cohesion and make us strong as a nation. A thoughtful person, who sees the benefit in ensuring that rights are connected to responsibilities, might ask: Why then is not the reverse also true? If a person bears all the responsibilities of being a parent, who in their right mind would dare deny them their rights as a parent?

Certainly I would not deny any parent his or her entitlements. This bill does not give anybody special privileges; it merely seeks to correct a longstanding injustice to a minority of children and their parents. I believe it must be supported for that reason alone. Members have received many letters and emails lobbying them on this issue. The case against is largely couched in words that seek to twist the meaning of what the debate is all about. The bottom line is that it is a battle being waged by people who do not want lesbian mothers to have the same rights as every other parent, but many of the letters have lacked the courage to say so plainly.

Instead, the case is being dressed up in hair-splitting arguments that seek to misdirect the debate. In that sense, the case against the bill lacks honour, compassion and fairness. Those values we hold dear as Australians, which include, above all, respect for the rights of children and their parents, should not be twisted in order to deprive those children and their parents of those very rights. To do so is despicable. In my inaugural speech to this Parliament I quoted John Stuart Mills on the "tyranny of the majority". He explains how the social oppression of the individual is to be feared more than any other form of tyranny. Mills states:

Reflecting persons perceived that when society is itself the tyrant—society collectively over the separate individuals who compose it—its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates; and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.

I am very pleased to support the bill. The only issue that makes me angry is that it is 2008 and this measure is still seen as somehow difficult when in fact it is merely overdue. The message should not have taken so long to sink into our political institutions. Most of us realise that the current position is manifestly unjust, but has been tolerated because frankly we lacked the courage to act earlier. The line in the sand that we draw today should have been attended to in the last century. It shames me that it has taken so long for honesty to rise up over such obvious prejudice and discrimination that tramples the rights of babies and young children, and harms the wellbeing of young Australians, who have every right to expect far better from us. It tramples the rights of women who love their partners and love their children. I must say even the bill's title reference to "Miscellaneous Acts Amendment" seems lacking in courage, but it would be pointless to detain the House by quibbling that small point. In conclusion, of course I support this bill. I believe that it rights a terrible wrong.

The Hon. MATTHEW MASON-COX [9.05 p.m.]: I speak on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. I note the many contributions so far on the bill. It has been very enlightening to hear those views. The stated object of the bill is to amend certain Acts, regulations and instruments to make further provision in relation to their application to de facto relationships within the meaning of the Property (Relationships) Act 1984. In particular, the bill amends the Anti-Discrimination Act 1977, the Status of Children Act 1996 and the Births, Deaths and Marriages Registration Act 1995, as well as various other Acts and instruments. The bill proposes to amend a total of 57 other Acts. Many of these amendments

address discrimination experienced by same-sex couple families. I, like many of my colleagues, have received correspondence to this effect, pointing out that this bill will allow children with same-sex parents to have two legally recognised parents empowered to give consent for their medical treatment, to take them to hospital, sign school permission notes and interact with their childcare centres, schools and so on—all practical measures that should have been introduced a long time ago.

Indeed, I cannot in all conscience fault changes that achieve many of these practical results. Some of these amendments are long overdue. There have been similar changes in most States and at the Commonwealth level. Commonwealth amendments last year eliminated discrimination in areas such as superannuation and taxation. With respect to the Commonwealth amendments, I note the comment of the Attorney-General, Robert McClelland, who on 1 May stated:

Whilst we support a system of registration of same-sex relationships, we don't support an arrangement that mimics marriage. We're focusing on substance over form. We are removing discrimination from Commonwealth laws that have a real and practical impact on people in same-sex relationships.

I support amendments to laws that discriminate against people in same-sex relationships in this manner. However, in my view some of the issues raised by the bill involve some of the same aspects as same-sex marriage and adoption. The bill goes further than the earlier amendments in that it moves away from issues purely of property, tax, superannuation and money into the sensitive area of what is in the best interests of children, particularly those generated by in-vitro fertilisation and other artificial fertilisation methods. In my view there is a distinct difference between justice in relation to property matters of law and the right for same-sex couples to marry or to adopt children.

In particular, I have serious concerns about proposed amendments to the Births, Deaths and Marriages Registration Act that allow the biological father to be removed from a birth certificate in favour of a same-sex parent or, in this case, a second mother. The second mother can be included on the child's birth certificate where there is a pre-existing de facto relationship and where necessary the consent of the biological father is provided. This may sound reasonable to many in legal terms and it is very persuasive when considered from the perspective of the same-sex couple. Why should they not have the right to be named on the birth certificate of their child? I submit there are a number of reasons and a number of matters we need to consider in this context. Firstly, a birth certificate is not evidence of ownership in the same way that car registration papers are evidence of ownership.

A birth certificate is a record of the child's birth parents and last time I looked it required both a father and a mother to give birth to a child. Secondly, a birth certificate is a unique record of the baby's genetic parents and every child should have the right to access this information where possible. The inclusion of a second mother in place of a father deprives that child of that right. Thirdly, same-sex parents can have their rights to parenting a child recognised in other ways, including parenting plans under the Commonwealth Family Law Act 1975. Fourthly—and this goes to the heart of the matter—this amendment in my view is in reality a subtle attack on the role of fathers and the traditional family unit. It is the so-called thin edge of the wedge.

If you accept the discrimination-based, rights-focussed rationale for this amendment, then you cannot argue about extending this amendment to homosexual men in de facto relationships. We would have no choice but to legalise the adoption of children by homosexual men, a situation resisted by large sections of our community. In this way the silent, subtle intention of this amendment is plain to see. In my view it is simply another clever, small step along the long march of the gay and lesbian lobby towards their holy grail, that is the right for same sex couples, whether lesbian or gay, to adopt children and the right to have same sex relationships recognised as "marriage" under the law.

Whatever happened to the presumptive right of a child to a father and a mother? These amendments would eliminate this and the array of families with multiple parents with varying ownership rights over children would multiply. We could very well end up with four or more parents for a child with more and more complex arrangements and a plethora of rights with ever-decreasing responsibilities. Indeed this has been the experience overseas in a number of jurisdictions leading to an ever-increasing irrelevance of fatherhood.

Scandinavia now has free artificial insemination at publicly funded hospitals for lesbian couples. Homosexuals can obtain children through surrogate mothers by payment of significant sums of money and adoption both intrastate and interstate as State laws change for adoption. Same-sex couples routinely petition to have one or both biological parents being left off birth certificates, as well as petitioning for non-biological parents to be put on birth certificates.

I note the experience in the Australian Capital Territory in particular, with which I am familiar, where last year laws were passed to allow the adoption of children by homosexual couples. That leads to the situation in this rights-focused world where a child may come up for adoption in the Australian Capital Territory and have to face a situation where there maybe a very worthy heterosexual couple and a very worthy homosexual couple who are willing and able to care for that child. The person who has to make that decision from the responsible agency in the Australian Capital Territory has to justify their decision to both of those families. I can see the next step being that should the heterosexual couple adopt the child, the homosexual couple in this rights-focused discriminatory practising world would be off to the Anti-Discrimination Commission to challenge the decision to ensure that they get the child they so dearly want. The only person to suffer in that context is the child and the proposed changes to the Births, Deaths and Marriages Registration Act is missing the focus of the child.

In Quebec when a woman in a same-sex civil union gives birth, her female partner is presumed to be the father and can be registered as the father on the child's birth certificate. In California a second mother is allowed to be placed on a birth certificate as the child's father', while in Virginia a birth certificate is issued with "parent 1" and "parent 2" after the couple refused to put one of their names in the blank spot for "father". The instances of varying circumstances go on and on. It makes me wonder if fatherhood is becoming redundant but I think not.

There is much evidence on the relative benefits of raising children in a stable heterosexual relationship. In a paper entitled *Two Person—Mother-Father Mode (Do Mothers and Fathers Matter)*, Maggie Gallagher and Joshua Baker found: a father and mother was the cornerstone of good parenting; children do best when raised by their own mother and father; traditional marriage increases the likelihood that a child enjoys warm, close relationships; children raised outside of intact married homes are more likely to divorce or become unwed parents themselves; children in intact married homes are healthier, on average, than children in other family forms; babies born to married parents have sharply lower rates of infant mortality; children from intact married homes have lower rates of substance abuse; boys and young men from intact married homes are less likely to commit crimes; children raised outside of intact marriages are more likely to be victims of both sexual and physical abuse; and marriage is more than a private emotional relationship but it is also a social good.

Not every person can or should marry and not every child raised outside of marriage is damaged as a result, but communities where good marriages are common have better outcomes for children than do communities suffering high rates of divorce, unmarried and high conflict or violent relationships—which is self-evident. I note the comments of Hon. Charlie Lynn who went into great detail as to the evidence of the impact of different family compositions on children. He also mentioned that there is a great wealth of evidence but the impacts are unclear. That makes it even more important for us to move slowly in this difficult area and not in the rush contemplated by the bill.

In short, children do best when raised by their own married mother and father. In that context fathers do matter. It is worth noting that there seems to be a common thread in the decisions made across the world in respect of same-sex relationships: that adults have a right to a child. Desires for children are powerful and deeply felt and some grieve for a lifetime if they are unable to bear children. It is important that these issues be dealt with respect but it must be remembered that the needs and rights of adults are only part of the story. Children also have rights.

I sometimes wonder how children feel about how we define parenthood? Does it matter how they feel? Yes, it does. Children raised without their mother and father often have perspectives about their lives, which differ from the legal scholars and courts. Children love the parents who raise them but the question is how do children feel and how do they make sense of their identities when they are alone or their mother or father is absent? Many children from the first generation of donor-conceived children are now speaking out about the powerful impact on children's identities when adults purposefully conceive a child with the clear intention of separating the child from a biological parent.

They say they were denied the birth right of being raised by or at least knowing about their biological parents. This intentional denial profoundly shapes their quest to understand who they are. There are many issues to consider in what is a complex area. An omnibus bill such as this does not contemplate the consequences downstream of taking steps that at face value may appear reasonable in our rights preoccupied world. The answer depends upon one's perspective and how one balances the competition between rights.

I note the contribution of other members and respect the conclusions they have reached. I personally support many of the proposed amendments in the bill but I cannot accept the bill's proposed amendments to the

Births, Deaths and Marriages Registration Act for the reasons I have stated. I understand that amendments are being foreshadowed by the Reverend the Hon. Fred Nile and the Hon. Charlie Lynn. I support the proposed amendments by the Hon. Charlie Lynn insofar as they reinforce the legitimate and important role of fathers in families. In my view this is a line that should be drawn in the interests of children, in the interests of fathers and the interest of families, whatever their composition. I look forward to the opportunity to support the bill and hope the amendments to restore the legitimate role of fathers are agreed to by the Government.

The Hon. DAVID CLARKE [9.18 p.m.]: I will not support the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 if it remains in its current form. Whilst the bill contains some proposals that I do not oppose, these mainly relate to extending certain financial, administrative and work-related benefits to same-sex couples. Unfortunately the bill goes much further than just dealing with such matters.

The bill is staking out new and unacceptable parameters in some important social areas, parameters that the great majority in our community do not accept. In a general sense the bill is pushing the frontier forward for the eventual goal of legalising the adoption of children by homosexual couples and for the eventual goal of legalising same-sex marriage. Like the majority within the community, I do not support the legislation of the adoption of children by homosexual couples and I do not support the legalisation of same-sex marriage.

I note that both the Coalition and the Labor Party in the Federal Parliament voted against the proposition of same-sex marriage. This bill acts against the best interests of our children, who are the most vulnerable in our community. Our children need special protection, yet this bill lets them down very badly. I, like other members of Parliament, have been inundated with a great flow of complaints by citizens of New South Wales objecting to this bill, or major parts of it. Understandably, many people have expressed outrage that the Labor Government slyly, cunningly and mischievously held back this legislation until after the State and Federal elections last year. The Government sat on the report on which this bill is based for two years so that it would not impact negatively on Labor's electoral prospects. This is standard practice for the Government. Honourable members will recall that during the lead-up to the State election of 2003 the Labor Government kept secret from the people of New South Wales that it would support a lowering of the age of consent for males from 18 years to 16 years if it were returned to power. It cunningly and misleadingly gave no indication to New South Wales voters that such a policy would become law within weeks of its re-election. Now history repeats itself.

What does this bill mean in a practical way for children in this State? When we cut through the legal jargon, what does it mean? The Marriage and Family Office of the Catholic Archdiocese of Sydney in a letter to members of this House sets out clearly, unambiguously and in practical terms what the passage of this bill means. As Mr Chris Meney, director of the office, states, it means that a mother and a father will be an unnecessary duplication. It means that intergenerational biological connectivity of fathers with their children will no longer be important and a child will have no right to the complete knowledge of his or her biological heritage. It means that mothers can, for all practical purposes, "father" just as well as men and the needs of children will be secondary to the desires and wants of female adults in a relationship. It means that children will not have a presumed right to the complementary role modelling, care and affection of their biological father.

Given that the bill provides a female same-sex partner with the legal right to, in effect, adopt a child, it means that it will be discriminatory to refuse this right to homosexual men in a relationship under subsequent legislation. It means that persons and organisations that do not support the right of same-sex adults to acquire parenting rights over their non-biological children could be subject to potential legal sanction. Given the willingness to move from a position that accords special status to or preferential support for the ordinary family structure to the proposed acceptance of a shared parenting arrangement as sufficient, the recognition of polygamous and polyamorous relationships could come under serious consideration. I am indebted to Mr Chris Meney, Director of the Marriage and Family Centre of the Catholic Archdiocese of Sydney, for clearly setting out in practical terms what this bill will mean for children should it become law in this State.

I also place on record my thanks to the Sydney Diocese of the Anglican Church, which clearly and unambiguously opposes those provisions of the bill that so adversely affect children. Yet again the Anglican Church in this State has taken a forthright stand for the rights of the child and for the protection of the family as it is traditionally and universally understood. During the debate, supporters of the bill have referred to studies that purport to show that children raised in homosexual households are in no way disadvantaged compared to those raised in heterosexual households. I take issue with that assertion and I will refer to the findings of studies and authorities that come to the opposite conclusion. For example, a study by G. Andersson in 2004 entitled "Divorce—Risk Patterns in Same-Sex Marriages in Norway and Sweden" concluded that lesbian relationships were significantly more unstable than heterosexual marriages, with a break-up rate three times higher in the first eight years of the relationship.

Dr Sotirios Sarantakos, Associate Professor of Sociology at Charles Sturt University, in his paper entitled "Children Industry Content" published in 1996, found that children raised in families where the biological parents were married to each other achieved higher scores in language ability, mathematics and sport than children raised in cohabitating heterosexual couple families. The study found that children in both groups achieved higher scores than children raised by homosexual partners. A 1994 study entitled the "Health of Our Nation's Children" by M. Coiro, N. Zill and B. Bloom of the National Centre for Health Statistics found that three- and four-year-old children with two biological parents are three times less likely than those in any other type of family—including, by deduction, homosexual families—to have emotional or behavioural problems such as a deficit disorder. A study entitled "Father Absence and Incarceration" by C. Harper and S. McLanahan of the Center for Research on Child Wellbeing found in 2003 that male adolescents in all types of families without a biological father were more likely to be incarcerated than teens from two-parent homes, even when demographic information was taken into consideration. Youths who had never lived with their father had the highest odds of being arrested.

In a 2008 Swedish review of over 20 studies of father involvement by Anna Sarkadi, Robert Kristiansson, Frank Oberklaid and Sven Bremberg entitled "Father's Involvement in Children's Development Outcomes", clear evidence was deduced to support the positive influences of fathers on the social, behavioural and psychological development of children. A study entitled "Going Further with Fathers: Can Fathers Make a Unique Contribution to the Lives of Their Children", published in a bulletin of the Maxim Institute dated 1 November 2007, concluded that:

The best available research shows that children with involved and responsive fathers tend to have better psychological wellbeing, fewer behavioural problems, achieve better at school, have higher self-esteem and are more likely to connect well with other children than those who do not experience active father involvement.

In an important study entitled "Lesbian Mothers and Their Children: A Comparison with Solo Parent Heterosexual Mothers and their Children" contained in the Archives of Sexual Behaviour 1986, an analysis by R. Green of the homosexual community using modestly large samples of children reared by homosexual parents found:

... developmentally important statistically significant differences between children reared by homosexual parents compared to heterosexual parents. For example, children raised by homosexuals were found to have greater parental encouragement for cross-gender behaviour and greater amounts of cross-dressing and cross-gender play role behaviour.

A study by Golombok and Tasker entitled "Do Parents Influence the Sexual Orientation of their Children", published in Developmental Psychology in 1996, found:

With respect to actual involvement in same gender sexual relationships, there was a significant difference between groups ... None of the children from heterosexual families had experienced a lesbian or gay relationship. By contrast, five of the 17 daughters reported to have had at least one same-sex relationship.

A study published in 2006 in the American Sociological Review found higher rates of homosexuality among children of homosexual households. The mountain of research continues to grow. In 2005, for example, the Spanish Association of Pediatrics concluded that a family nucleus with two fathers or two mothers was clearly more detrimental to children than a family with heterosexual parents. During debate on the bill, mention has been made of studies that purport to establish that children raised in homosexual households are no more at risk in their development than children from heterosexual households. Indeed, it has been suggested that they may be better off in some circumstances. However, those who advocate this assertion seem to have overlooked or ignored an important study entitled "No Basis: What the Studies Don't Tell Us about Same-Sex Parenting" published in 2003 by the Marriage Law Project, Ethics and Public Policy Centre, Washington DC. In this study Dr Robert Lerner and Dr Althea Nagai, experts in quantitative analysis, found fatal research flaws in every single study that concluded in favour of homosexual parenting. Indeed, they found data in those studies that indicated that a homosexual parent may be harmful. In fact, among that material were studies that were relied upon and quoted tonight in this House to support the bill.

Should there be any lingering doubt that serious deficiencies exist in most studies purporting to show the absence of adverse effects on the great majority of children raised by homosexual parents, members should look at the investigation and analysis by researchers at the University of Southern California that was published in the American Sociological Review in 2001. That research found significant flaws in the majority of such studies and that in fact most of the studies showed a higher degree of detrimental effects on children raised by homosexual rather than by heterosexual parents.

In specific terms, the bill omits reference to the term "the father and mother" from section 18 (a) of the Births, Deaths and Marriages Registration Act 1995 and inserts instead the term "both parents". The bill will amend the Births, Deaths and Marriages Regulation 2006 to remove under section 5 (1) (e) references to "mother of the child" and "father of the child" and replace them with the term "each parent of the child". It will also delete the term "the mother and the father" from regulation 5 (1) (k) of the Births, Deaths and Marriages Registration Regulation 2006 and insert instead the term "either of the parents".

I will briefly respond to those who argue that supporters of this bill in some way display a deeper humanity, a greater compassion and a more sympathetic understanding of the issues relating to children raised in same-sex households than those who express opposition to the bill. To those people I can only respond that they display an intellectual arrogance of mammoth proportions. They think they have a monopoly on compassion but they do not; they may believe that they display a deeper humanity, but they do not.

I conclude by again confirming my deeply held view that the changes to the existing law contained in this bill severely undermine the position of the father in a number of circumstances and will place many children in a position of disadvantage. In the circumstances, and as I have indicated earlier, I oppose this bill in its current form and will support amendments to be moved by the Hon. Charlie Lynn and Reverend the Hon. Fred Nile.

The Hon. MELINDA PAVEY [9.32 p.m.]: A loving family unit is the best environment in which to raise a child. I believe everyone in this Chamber would agree with that statement. Too many children in this State do not have the opportunity to be raised in a loving family environment. We should support and encourage a loving family environment and ensure that all rights are available to the children living in that environment. In my opinion that is what this bill supports. The Miscellaneous Provisions (Same Sex Relationships) Bill 2008 will not remove reference to the father from a birth certificate, rather it will affect amendments to the Act to allow a co-parent of a child born by way of artificial insemination to a mother to have her name inserted upon the birth certificate.

Of most importance, the bill creates a range of rights for a child born by way of artificial insemination to a mother as against those of the co-parent. Children born into a family that contain two loving mothers should have the same rights as those born into a family that consists of a mother and a father. Much has been said today about the issue of birth certificates. It has been claimed that if we replace the term "mother and father" with "parents" somehow we will forever alter the foundation of our society. I do not agree. There would be countless birth certificates in New South Wales that record the name of the mother of the child only. We know of about 1,000 same-sex relationships in relation to which the name of the biological mother only is recorded because it is against the law to record the name of the co-parent.

But what of the many single mothers who have decided for personal reasons, or because of circumstances not of their own making, to have and raise a child of their own? It is not compulsory to record the name of the father on the birth certificate if the birth is the result of artificial insemination or if the father does not want to be involved. Reference has been made to studies undertaken in the United States of America that indicate that the adjustment and wellbeing of children of lesbian and gay parents do not differ markedly from that of children of heterosexual parents.

A 2006 report prepared by the Department of Justice in Canada referring to children's development of social competence across family types, concluded:

The strongest conclusion that can be drawn from the empirical literature is that the vast majority of studies show that children living with two mothers and children living with a mother and father have the same levels of social competence.

In fact, a few studies suggest that children with two lesbian mothers may have marginally better social competence. I have not heard in this debate from those opposed to the changes any reference to any empirical evidence suggesting that same-sex relationships had a detrimental impact on children.

As I said during my inaugural speech in this Chamber, our life experiences make us who we are—the impact of family, friendship, associations, schooling and career. In coming to a decision on this bill I asked myself the following question: How would I feel if my children had to face the level of discrimination that children of lesbian mothers face in their day to day life? That is, discrimination that means non-biological mothers cannot enrol their children at school—children they love and care for; and they cannot even take them to an emergency department in a hospital for treatment. Furthermore, if a co-parent were to die, her child would have difficulty accessing her estate. Those matters helped me in my decision to support the bill. The rights of children are paramount.

The Hon. HELEN WESTWOOD [9.35 p.m.]: I speak in support of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008, which has been widely anticipated and I believe is well overdue. However, I know we have been awaiting the release of the June 2006 report of the New South Wales Law Reform Commission relationships, and I welcome that extensive report. The bill enacts a number of key recommendations from that report and will amend 57 pieces of legislation to provide for equal rights for people in same-sex relationships including their children and parenting presumptions. Article 26 of the International Covenant on Civil and Political Rights states:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground

Here in New South Wales and indeed Australia same-sex couples and their children have not had these fundamental rights protected at law, and it is important to note that these reforms will go some way to addressing that. In the May 2007 report entitled "National Inquiry into Discrimination against People in Same-Sex Relationships: Financial and Work-Related Entitlements and Benefits" the Human Rights and Equal Opportunity Commission stated that same-sex couples often pay more tax than opposite-sex couples because of discrimination in tax law, yet they cannot expect the same entitlements in employment, workers compensation, veterans entitlements, health care subsidies, family law, superannuation, aged care and immigration law. This aberration leads to placing families at a significant financial disadvantage and results in a lower standard of living. The situation is hardly equitable, and I am proud to be a part of this New South Wales Government, which is introducing this bill.

The bill will amend the marital ground of discrimination in the Anti-Discrimination Act, which includes discrimination based on heterosexual married or de facto relationships only, to include discrimination arising out of a person's domestic status. The amendment will ensure that people who are discriminated against on the basis of their domestic status, including their status as living in a same-sex relationship, in the areas of work, education, provision of goods and services, accommodation and registered clubs have rights under the Anti-Discrimination Act. The reforms also address the intent of recommendations made by the Legislative Council's Standing Committee on Social Issues in its 1999 report entitled "Domestic Relationships: Issues for Reform."

I note that prominent advocates of children's rights have also supported these changes. Gillian Calvert, the New South Wales Commissioner for Children and Young People, expressed her support for the changes at a press conference organised by my colleague the Hon. John Hatzistergos when announcing the reforms. In a letter to the Gay and Lesbian Rights Lobby, James McDougall, the Executive Director at the National Children's and Youth Law Centre, also expressed the centre's support for the reforms, which will promote the best interests of children. The amendment to the Anti-Discrimination Act will ensure that people cannot be discriminated against on the basis of their de facto relationship, which is defined by reference to the Property (Relationships) Act.

The United Nations Convention on the Rights of the Child provides a universally accepted rights-based framework that has been adopted and ratified by Australia. This same framework is used by the National Children's and Youth Law Centre for reviewing legislation and policies that impact on children. The centre supports the proposed amendments to the Status of Children Act and associated legislation recognising the rights of children born through donor insemination to female same-sex couples. Its support is drawn from an examination of the reforms from a child rights basis and on the expressed concerns of the children who come into contact with the centre. Children often challenge the centre to consider why the law fails to reflect their lived experience, including their experience of family. Clearly this is why it is supporting this legislation.

The United Nations Convention on the Rights of the Child requires children and their families to be protected from discrimination. It calls for respect for parents and the family "as provided for by local custom", and invokes the best interest of the child as the primary consideration in dealing with children. The differing treatment by the law of family structures in Australia is discriminatory. The declaration from the World Summit for Children in September 1990 reinforced that "children should grow up in an environment, and atmosphere of happiness, love and understanding", and that "all institutions of society should respect and support the efforts of parents and other caregivers to nurture and care for children in a family environment".

Children rightly demand that we recognise their experience of family. This requires us to ensure that the law takes account of the diversity of that experience. I believe this bill upholds that right. The proposed reforms promote the best interests of the child by providing for children in the families where parenting is

undertaken by same-sex couples. The legal recognition means that both parents can act with authority on day-to-day decisions about their child. The best interests of the child will also be recognised when all families can access financial entitlements, when care is provided for in the event that one parent dies, or in circumstances where the relationship between parents ends.

I will highlight some 2001 census data, where it was reported that there were at least 20,000 same-sex couple families in Australia, suggesting an increase in those willing to identify as partners in a same-sex relationship. Of these, 11,000 were gay male couples and 9,000 were lesbian couples. It must be remembered that this data is reliant on self-reporting and it is believed that these figures are in fact far higher. Not surprisingly, New South Wales had the largest reported number of same-sex couple families with 8,913. The vast majority of them live in Sydney and, again, that is not surprising. In addition, 20 per cent of lesbian households and 5 per cent of male same-sex relationships were reported to contain children. This data demonstrates that families and domestic relationships now take many and diverse forms.

Legal safeguards are necessary to protect people's rights and to resolve disputes when a relationship breaks down, irrespective of what form that relationship has taken, and whether the parties to the relationship were married. Wherever possible, the law should not discriminate between types of relationships, but should apply a consistent approach to settling financial matters if the relationship ends. It is important to outline some discriminatory real-life situations that some families in our community face without the benefit of these reforms. A lesbian mother writes:

My name is Christy. My partner Janna and I are in our thirties, and live in the inner suburbs of Sydney.

Although we were born on opposite sides of the world, we met in Australia eight years ago and have chosen to live in Sydney because of its spirit and diversity. The most incredible event in our time together has been the planning, conception and birth of our daughter. Despite the amazing mess she can cause now that she is walking, she is the light of our lives. We feel blessed for each day we spend with her.

While we have always supported law reform for the purposes of reducing the social and legal discrimination facing gay and lesbian people in Australia, we feel particularly strongly about reform in the area of same-sex parenting. Children raised in same-sex families miss out on many legal certainties and rights that other children in New South Wales take for granted. For example, our daughter was conceived through anonymous donor insemination in a fertility clinic, and yet Janna (as the nonbiological mother) is not recognised as a legal parent and she was not able to be named on our daughter's birth certificate. This could have led to a situation where, if Janna died without a will, our daughter would not automatically be entitled to her estate. Janna may also not have been able to consent to emergency medical treatment or to sign general parental authority forms, such as school permission notes and child care enrolments. If our relationship was to break down, Janna would not have her rights as a parent recognised under the law. This is a dangerous situation, particularly as you can never predict how extended families and other parties may act following the death of the biological parent.

Our primary concern is for the wellbeing of our child. How can the current system be said to protect her interests when it does not acknowledge our family structure? How can it be good for her that we must pay considerably more than heterosexual families to ensure that her legal rights are protected? How will she feel as she is growing up when discriminatory laws tell not only her but also her teachers, school friends, the families of her school friends, and the rest of our community that it is perfectly alright to discriminate against us, or to not take us seriously as a family unit?

Another lesbian mother writes:

Today is Mother's Day. This morning I asked our oldest child what a mummy was. She told me it was someone who helped children with all the things they couldn't do for themselves; gave them hugs; and looked after them. She talked a lot about love and care and safety. She didn't say a thing about biology or genetics. At three and a half, she understands the meaning of real family.

She doesn't understand—thankfully—that current State laws do not recognise us as a real family. She has no idea that while it's plainly obvious to her that she has two parents, the law as it stands considers her to have just one mother. Our daughter and our one-year-old son are too young to realise that having two mummies means they are viewed differently by the law.

We really hope that by the time they are old enough to understand, there won't be any differences. We've been fortunate in that we've encountered very little negativity about our decision to create a family. But our children should not have to rely on luck to see that they're treated just like every other child. They deserve to have their family properly recognised, just as we as parents deserve the same legal protections as every other parent.

I am proud to say that these families will now have the same legal status, and that is very important because of all the practicalities that follow. The New South Wales Law Reform Commission Relationships report recommends that same-sex female partners be granted parentage rights for children conceived through in vitro fertilisation or artificial insemination. The Government will change the parentage presumptions for children born using fertilisation procedures such as IVF to remove discrimination against lesbians.

According to the Law Reform Commission report, in these situations neither the lesbian mother nor the co-parent currently has any legal parental status in respect of the child. I have already demonstrated how this

adversely impacts on their lives. Because neither has legal status, there are very few legal rights and obligations arising from the functional parent-child relationship. The law simply fails to recognise the existence of the relationship. Extensive practical consequences for both the parents and the child flow from this non-recognition. These reforms are especially important because they will ensure equity in the laws relating to workers compensation and victim compensation payments where one or both parents are killed or injured; parental leave entitlements for a same-sex partner to act as primary caregiver of their child in the first year; recognition of both parents by school and medical authorities; and improving access to guardianship orders for elderly parents. In addition, the laws of intestacy will apply equally to the children of same-sex parents, where the parents die without making a will. Enacting these new parenting presumptions will ensure that same-sex parents have the same parental responsibility for their children in respect of their health, education and general wellbeing as other parents have for their children.

I acknowledge the contributions of honourable members to this debate and I respect the different views expressed by them. I particularly commend the Hon. Robyn Parker, the Hon. Trevor Khan, the Hon. Catherine Cusack and the Hon. Melinda Pavey for their contributions and for emphasising the human rights of those of us in same-sex relationships and our children. I concur with their argument that lesbians and gay men and their children are entitled to equality before the law.

I absolutely reject the arguments put by some members in this debate that children in same-sex parented families are at risk of poor parenting, or that a child's psychological and social development is likely to be adversely affected by the absence of father parenting or by parenting by lesbian mothers. Lesbian mothers and gay fathers want the same for their children as heterosexual mothers and fathers want for their children. As parents we want our children to develop into physically and emotionally healthy adults and to have all the opportunities they need to reach their full potential in adulthood. Belonging to a family in which children know they are loved, respected, supported and encouraged, and in which they know they will have their physical and emotional needs met, is, from my experience, far more important than the gender of their parents or family members.

A considerable amount of sociological and psychological research has been conducted to examine the effect a parent's sexual orientation has on the welfare and development of children. Much of this has been referred to by other honourable members during the debate. It is worth restating that the findings of most research comparing lesbian and gay parents to heterosexual parents refute common stereotypes and concerns about lesbian and gay parenting. It has been clearly demonstrated that the sexuality of a child's parents has no connection to the child's moral and cognitive development, wellbeing or happiness. When comparing children of heterosexual parents to children of lesbians and gay men, no significant differences have been found in the social adjustment, social acceptance, or sociability of the children. Nor has any difference been illustrated in the children's peer relations such as quality of friendships or popularity. In addition, no discernible differences have been found in the children of heterosexual or homosexual parents regarding a child's gender role, identification or sexual orientation.

The most important factor in a child's upbringing has been identified as the care and love put into a child's life. Lesbians and gay men display matched capability at loving and caring for their children as their heterosexual counterparts. This legislation simply acknowledges the reality of people's lives, regardless of an individual's beliefs about what constitutes a family. It is important that we acknowledge the diversity of families. It is a fact that families have different structures: there are single-parent families and there are families where the parents are of the same sex.

The bill does not affect me because my children were born into a heterosexual family—I was married at the time I had my children—but after my husband left and my children were fairly young I had a same-sex partner, and she and I raised our children. Despite what has been said tonight, my parenting and mothering in both the heterosexual and homosexual relationship were exactly the same. I wanted the same things: I wanted my children to grow up as happy, healthy adults. I wanted them to know that they were loved and valued and that my partner and I would support them in all they did.

Again, much of what I have heard tonight would suggest that somehow or other the life experiences of lesbian parents or parents in same-sex relationships are different, but our lives as parents are exactly the same as everyone else's. We got up every morning and made sandwiches; we took the kids to school; we stood on the cold netball courts and watched our kids play; we took them to swimming lessons; we dragged them out of bed when they were teenagers; we cleaned up their vomit when they were sick; we wiped their tears when they had broken hearts; and we took them to doctors and hospitals. That is what parents do, regardless of whether they

are in same-sex relationships or heterosexual relationships. Not surprisingly, my two daughters have grown into beautiful young women who have had children of their own. Both have made the choice to have their children within heterosexual marriages. Again, that is consistent with most of the research that has been referred to tonight.

The bill is important because it will amend 57 pieces of legislation and enact a number of recommendations from the New South Wales Law Reform Commission's relationships report to provide equal rights for people in same-sex relationships—rights that many in this State take for granted. It is also important because it is another step on the road to recognising that gay men and lesbians are human beings of equal worth to all other citizens. So long as any laws exist that treat us differently and treat our relationships or our children differently, we are not equal citizens. I commend this important bill to the House.

Ms LEE RHIANNON [9.55 p.m.]: The Greens support the bill. We welcome the Government edging a little closer to full equality for lesbian, gay, bisexual, transgender and intersex people. While celebrating this bill, it must be acknowledged that the rights this bill will establish in turn underline the slow rate at which we are moving towards legislating for rights for all adults. Those comments do not reduce the importance of the bill. There are many reasons to celebrate the passing of the bill. The major accomplishment of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill is recognition as a legal co-parent of the consenting female partner of the birthmother who is pregnant as a result of a fertilisation procedure, just as a male parent would be. It is well past time that the law acknowledged that family structures are diverse and that all children deserve equal rights regardless of the sexuality of their parents.

I very much congratulate the member Helen Westwood on her contribution. I thought she summed up beautifully what family life is like. A common, strong theme of tonight's debate is the diversity of families. When we can recognise that, society will become much healthier. The Greens New South Wales policy supports equal parenting rights through equality of access to adoption and fostering, and artificial insemination and in vitro fertilisation procedures, irrespective of sex and sexuality. We are aware, as I am sure many other members are, of many stories of heartache and frustration from same-sex parents who face ignorance, discrimination and unfair treatment while engaged in the already highly challenging job of raising children. I certainly could not top the beautiful way in which Helen Westwood described what it is like to be a parent.

Frustration is obviously heightened by the fact that many inequalities are enshrined in law. These range from one parent being unable to sign sick notes, to grant permission to compete in school sports or to attend camp or to consent to medical treatment, to children being left without legal rights to estates should their non-biological parent die without a will, or potentially being denied access to one parent in the event of a relationship breakdown. The sooner we get rid of these obstacles the better. The passing of the bill will achieve that, and I congratulate the Attorney General and the Government for bringing it forward. Around 20 per cent of lesbians and up to 10 per cent of gay men are parents.

The Hon. John Hatzistergos: That is 30 per cent.

Ms LEE RHIANNON: The Attorney General has just corrected my figures; it is 30 per cent. I thank him for that. The 2006 census recorded 1,533 children of same-sex couples living in New South Wales. It is our hope that these changes will provide much-needed and long-overdue legal, emotional and financial stability to these families. For parents and children the importance of this law cannot be underestimated. Other members spoke about the importance of loving families. Security in the law will contribute to the stability and loving nature of families, which will continue to develop and become the norm. Children deserve equal rights regardless of the sexuality of their parents. Discriminating against children because of the structure of their families can never be considered in their interests, and sexual orientation has no bearing whatsoever on whether a person will make a good parent, as countless same-sex couples are showing right now.

Equality for same-sex families is long overdue in New South Wales. These changes are consistent with reforms in other States and Territories. Western Australia, the Northern Territory, the Australian Capital Territory and Tasmania already recognise same-sex families and Victoria has announced its intention to introduce similar reforms this year. This legislation is in keeping with community views. If anything, the community is actually leading New South Wales politicians on this issue.

A recent survey of 15,000 women by the *Australian Women's Weekly* found 71 per cent want same-sex couples to have the same rights as heterosexual couples. Interestingly, this is the same level of support found in the GetUp Galaxy poll last year. I note also the substantial amount of research, such as last year's Victorian Law

Reform Commission publication entitled "Assisted reproductive technology & adoption: final report", which shows that having single, lesbian or gay parents does not pose a risk to the wellbeing of children. It is important that all people, regardless of their sexuality, are given equal rights to adopt children and undergo in-vitro fertilisation treatment. It is a basic right. Achieving such rights would be another step to full equality.

I am pleased that in this bill the definition of "fertilisation" is broad enough to encompass not just clinical procedures but other informal forms of fertilisation. Research shows that about 80 per cent of children born in lesbian same-sex relationships are conceived using home insemination. There has been some consternation about proposed changes to the Births, Deaths and Marriages Act. I believe it is important to clarify several points in this regard. Firstly, every child conceived in New South Wales as a result of an assisted reproductive technology procedure can access information about his or her donors when he or she turns 18 via the assisted reproductive technology register under the auspices of the Assisted Reproductive Technology Act 2007. This addresses the current discrepancy where the mother's partner is treated differently based on gender. If the mother's partner is male, he is already deemed to be the legal father under the Status of Children Act. However, if her partner were female, she would not be recognised under the current law. Moreover, the explanatory note to these amendments states:

Where the child's birth registration contains information that purports to identify a person as the father of the child, that person's consent will also be required to the removal of the identifying particulars from the registration (unless a court or the regulations authorise their removal because the person is not the father by operation of law or otherwise).

This removes the concern that some wholesale disenfranchisement of fathers will occur. We share concerns about the ability of children to trace their genetic parents using their birth certificates, but obviously that applies to children in a range of situations. Other useful models may be worth investigation, such as the Australian Capital Territory regulations introduced some years ago, which allow a space for "mother" and a space for "father/other parent". This would also allow the child to identify from the record which mother gave birth to him or her.

Anecdotally, we understand that registrars in Victoria have allowed in some circumstances for a range of other information to be recorded in the "Notes" section of the birth certificate. This, too, could be a solution. The Victorian Law Reform Commission examined the possibility of including three or even four parents on the birth certificate but dismissed it as overly complex, with the potential of increasing uncertainty and complication in practical steps such as signing parental consent forms. However, it is crucial to remember that at present there is no way to guarantee that every child knows the true identity of their biological father, no matter what the makeup of the family. This is merely the nature of human reproduction.

It is also likely that once lesbian parents are able to feel more secure in their family's legal position, they will be more likely to enter into known donor arrangements, giving their children the ability to know and ask more questions about the donor from an early age. One reason some couples choose anonymous donors is that the current tenuous legal status of their families means that a known donor could make a legal custody claim for the child, leaving the co-parent at a massive disadvantage.

Finally, it could be argued that listing two mothers on a birth certificate is less deceptive than listing a mother and a non-genetic father, as even very young children are aware that two women cannot make a baby on their own. In fact, an occasional report from the Victorian Law Reform Commission cites a review of the literature on rates of disclosure about sperm donation by Dr Ruth McNair of the University of Melbourne that approximately 95 per cent of lesbian families tell their children about their donor as opposed to only 1 per cent to 20 per cent of heterosexual parents.

Changes outlined in the bill do not undermine the role of fathers and we will be interested to see how the accompanying regulations will be enacted. Although the bill is welcome, we must remember that none of these progressive changes has any effect on gay male parents. Their rights must also be recognised. The bill does not apply to overseas families moving to Australia, sole parents who form new relationships or long-term foster carers attempting to adopt. This would require changes to surrogacy and adoption laws, but we urge the Government to stop delaying and tackle it.

We need to consider the rights of gay fathers. I want to share with members the thoughts of a member of an organisation called GayDadsNSW. The views expressed are a reminder that law reform in this area still has some way to go. There are clearly many challenges and those challenges we must meet. The views of Mr Anthony Brien from Homebush Bay deserve to be injected into this debate. He states:

I am a member of a group known as GayDadsNSW which is a collection of gay men who are or wish to be more than just fathers - we are dads. We want to be involved in the day to day responsibilities of raising our children and this law does little to address

the rights of our children. Indeed in some aspects it DIMINISHES THE RIGHTS OF OUR CHILDREN by removing the recognition of our role - not just in being the biological parent but also in our parenting role in the lives of our children.

... male citizens of the state of New South Wales are BECOMING FATHERS ... becoming parents of children they wish to raise with their male partner. How are their rights as a same sex couple being recognised by these proposed amendments to the law?

Other gay men are entering into co-parenting arrangements with lesbian couples where it is agreed by all parties ... that the father will have an active role as a DAD. These arrangements are often recognised under Federal Law by the registering of Parenting Orders in the Family Court of Australia.

Mr Brien also states:

THE FATHER HAS A RIGHT TO BE RECOGNISED ON THE BIRTH CERTIFICATE – and so facilities should be made for 4 parents – because if you agree that a partner of a birth mother (and not necessarily the biological mother) has a right to be recognised on the birth certificate and you are serious about equality for same sex couples then you should agree that the partner of the biological father has a right to be recognised.

I remind members of the comments of the Victorian Law Reform Commission that examined whether to have four parents on a birth certificate and found that not to be a wise path to follow given its complexity. The views of Mr Brien remind us that we have a long way to go in addressing these issues. The Greens will seek to amend the bill to remove discriminatory loopholes enshrined in the Anti-Discrimination Act and to extend adoption rights to same-sex couples. In noting amendments to the Anti-Discrimination Act set out in the bill, we are disappointed that the bill fails to remove exemptions available to a number of groups, such as religious bodies, small employers and private education authorities. I understand there is some dispute about whether the amendments are within the leave of the bill, and I shall address that later. The Greens have received advice that we are within the leave of the bill and we state that it is unfortunate the Government has not moved in this area.

The Greens propose amendments that, if successful, would remove exemptions for small employers and private schools. The Anti-Discrimination Bill should be about inclusion, equality and fairness. At the moment it goes a long way towards achieving that, but, as we all know, there are loopholes in that bill which, unfortunately, are periodically used or abused. Until these changes are made, the bill sends a mixed message about discrimination. The Greens had a private member's bill in this area, and we certainly hope that the Government will now use the opportunity of this bill to move on that aspect.

The Greens will put forward amendments to the definition of "couple" in the Adoption Act 2000, to extend the rights achieved in this bill. This amendment to schedule 3 would align the Adoption Act with the Property (Relationships) Act. We were disappointed that the Government failed to do this, choosing instead to grant just some parenting rights to some sections of the community. The Greens believe that our amendment addresses at least part of this anomaly.

Tonight I have criticised the slow pace of reform for the lesbian, gay, bisexual, transgender and intersex [LGBTI] community. However, I again emphasise that there is much to celebrate in this legislation. I again congratulate the Minister, the Government, the Gay and Lesbian Rights Lobby and other groups that have been involved in campaigning for this legislation. It certainly will be historic when it is passed. Each and every step towards full equality is certainly celebrated by the Greens. However, we feel the need to comment on the slow drip-feeding of rights for the gay and lesbian community; it is simply not satisfactory. The slow rate of reform appears to be geared to the early years of an election cycle.

I ask the Attorney General in his address in reply to comment on the state of reform for the LGBTI community. Is this legislation all we can expect in the current election cycle? It is important that the Attorney General indicate the Government's progress with this legislative program. I put to the Attorney General that the Government does not need to wait another four years to revisit this issue. One certainly gets the impression that that is how Labor conducts its reform program in this area.

What we know from this legislation, the polling, and the direct responses on the issue is that the community supports these changes. The community will certainly support more far-reaching changes in the important areas of adoption and surrogacy. The Government has community support and it has the numbers in this Parliament. It is time the Government legislated for full equality for the LGBTI community.

If the Government truly believes—they are fine words—that all children should have the same rights and entitlements regardless of the structure of their family or the sexuality of their parents, and that no person should be subjected to discrimination based on their sexuality, it should act decisively to bring about legislative equality in both rights and responsibilities as soon as possible.

The Hon. PENNY SHARPE (Parliamentary Secretary) [10.13 p.m.]: I speak in favour of the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. The past 10 years have seen a quiet revolution in terms of gay, lesbian, bisexual and transgender law reform across Australia and in many other western nations. New South Wales has made significant progress by granting equal rights to same-sex couples and removing discrimination against gay men and lesbians in 48 Acts. Labor governments in Tasmania, Victoria, Western Australia and the Australian Capital Territory have systematically removed discrimination against same-sex couples. All members would also be aware of the Rudd Labor Government's commitment to remove discrimination in over 100 Acts in Federal law.

Despite claims from some quarters that removing discrimination against gay men and lesbians will lead society down a path of moral decay, I note that society has not collapsed as a result of ensuring that gay and lesbian citizens are treated equally under the law. I welcome the amendments in the Miscellaneous Acts (Same Sex Relationships) Bill 2008 to a further 57 pieces of legislation. The bulk of the amendments in this legislation remove discrimination against same-sex couples by adopting a gender-inclusive definition of de facto and are an extension of the changes that have been progressively implemented by the Labor Government in the last 13 years. Other reforms extend protections under the Anti-Discrimination Act to same-sex couples.

The final reform is the change that will provide legal recognition of both parents in a lesbian relationship. This is the area that I will focus on in this debate. The reforms are being adopted as the Government's response to recommendations by the New South Wales Law Reform Commission Report 113 Relationships. The Law Reform Commission report highlights some of the problems faced by children of lesbian parents and the gaps in the law in this area. It also highlights a number of other inequalities for same-sex couples. The report draws on the work of the New South Wales Gay and Lesbian Rights Lobby's report entitled "And then the brides changed nappies" and consultation with other community groups.

I wish to formally acknowledge the work of the Gay and Lesbian Rights Lobby over many years to draw attention to these issues. The rights lobby has always backed its advocacy with objective research and extensive community consultation with the people it represents. The lobby's consultations with same-sex families and its articulation of the issues faced by these families has made an important difference to this debate. I extend special thanks to Jenni Millbank, Emily Gray, Pete Johnson and Ghassan Kassisieh, who have provided me with extensive information about aspects of the bill.

It is widely acknowledged that there are growing numbers of families within Australia headed by same-sex couples, and there is anecdotal evidence to suggest that the majority of children born to lesbian couples in Australia were conceived using donor insemination. The last census identified 4,386 children who are currently living with two mums. It is estimated that in New South Wales there are more than 1,533 children in this situation. However, as the New South Wales Law Reform Commission Report 113 Relationships puts it:

[these] developments in family structures have not been accompanied by equivalent legal developments.

As a result, our current laws do not fully recognise the reality of many children's lives or meet the practical needs of many families.

Currently, only the birth mother is recognised as the legal parent of any children in these families. And current laws in New South Wales fail to legally recognise that children born to lesbian couples as a result of a fertilisation procedure have two parents, namely their birth mother and her partner. This legal ambiguity places children in these families at a considerable disadvantage relative to other children in New South Wales.

As the Attorney explained in his second reading speech, under the New South Wales Status of Children Act there was already a presumption of parentage for the male partner of a woman who has children using donor insemination. However, there is no such presumption for lesbian couples who use assisted reproductive technologies to conceive children. The Law Reform Commission report goes on to explain that:

While the presumptions [of parentage under the Status of Children Act] may facilitate parenting by couples in opposite sex relationships who have a child using donor sperm, they do not take into account the existence of couples in same-sex relationships, who exercise the same choice.

This means that where a child is conceived in the context of a lesbian relationship, the presumption that the sperm donor is not the child's legal father fails to be accompanied by a presumption that the mother's partner is the child's legal parent.

The result of this failure is that children who are conceived in the context of a lesbian relationship are denied a second legal parent, when such a parent is available.

In the eyes of the law, the co-mother is a complete stranger to the child, other than in those limited areas where the functional parent/child relationship is recognised.

For many children of these New South Wales families this means they may have only one legal parent. Without these amendments, a child's relationship with one of its parents remains illegitimate in the eyes of the law. Illegitimacy leaves these children vulnerable to a number of adverse outcomes and makes it more difficult for their parents to care for them. Non-birth parents are unable to access information regarding their children's health or to make schooling arrangements—and these children also have fewer inheritance rights.

While parents can apply for a parenting order, parenting orders are limited in their application and are expensive and complex to design. They are also limited in scope. When a child turns 18, gets married, or enters a de facto relationship, these parenting orders cease to exist. This has a significant impact on a child's inheritance rights.

Under this legislation, the presumption of parentage will be extended to children of lesbian couples. There have been many incorrect claims about this legislation. It is important to point out that these amendments will place children born to lesbian de facto couples as a result of a fertilisation procedure in exactly the same position as children born to heterosexual de facto couples through such procedures—that is, the child's relationship with their non-birth parent is legally recognised even if no biological connection exists between the non-birth parent and the child.

These amendments bring New South Wales into line with Western Australia, the Australian Capital Territory, Victoria and the Northern Territory. They also give children of lesbian parents equal rights in workers compensation and victim compensation payments, as well as inheritance rights. And for parents, both partners in a lesbian relationship will be entitled to all the rights and responsibilities of parenthood, including custody and liability to pay child support. The changes will also ensure recognition of both parents by schools and health authorities. This is a welcome move that will provide families across the State with the security of knowing that their relationships and their families are legally recognised.

The New South Wales Law Reform Commission report also recommended changes to laws on adoption and surrogacy. These are issues currently being dealt with by ministerial councils and I look forward to the results of these inquiries and further reforms in this area. After this legislation is passed there will still be children who are missing out on legal recognition of two parents. In particular, children who are living with their mum who conceived with a donor and now would like to have her partner formally adopt her child as a step-parent. I urge the Government to look at the provisions for step-parent adoption for those children where appropriate.

There are also children who are in out-of-home care who are currently living in loving homes of gay and lesbian foster carers. Many of these children will never be able to return home to their birth parent or parents and as is the case for other children in out-of-home care there are some children where it would be in their best interests if their foster families adopted them. These most vulnerable children and young people continue to be denied the option of adoption by both their foster carers even if it would be in their best interests. Again I look forward to further examination of these matters.

Like other members, I have received emails from opponents of the bill. While I acknowledge their right to have their own views, I cannot participate in this debate without challenging some of the spurious and incorrect arguments they put forward to justify them. The first argument incorrectly suggests that this bill will remove fathers from birth certificates. The fact is that no child will lose their father as a result of the changes and no father will lose the word "father" from his child's birth certificate. The change means that children with two mothers will have both their parents recognised under the law.

Children will have the practical benefit of two parents who can take them to hospital and sign school permission notes, and they will automatically be eligible for both their parent's inheritance. But even more importantly the change means that just like children in heterosexual families who have been conceived by donor insemination, children with two mums will have both parents on the birth certificate. Opponents of the bill have also tried to argue that recognising lesbian parents somehow diminishes the role or importance of fathers in our society. There was a forum hosted at Parliament today because of concerns that fatherhood and families are under threat from this bill and that it is a calculated attempt by the Government to discriminate against men, derogate fathers, fragment families and break the hearts of our children. This is misleading at best and, frankly, I find it offensive but it is also irrelevant to what these changes will actually facilitate.

No-one is trying to downplay the role of fathers in our society and in families. The bill is about giving kids who have two mums the stability of knowing that their relationships with both of their parents are legally recognised. I am not sure how anyone can come to the conclusion that legislation that will recognise both parents in lesbian-headed families would put other families under threat or break the hearts of children. In fact, I think if you read some of the stories that members have been sent by the Gay and Lesbian Rights Lobby you would realise just how important this legislation is for many families in New South Wales.

The third argument against this bill suggests that children in lesbian families will be seriously harmed if both their parents are recognised by the law. The proponents of this argument make a range of claims supposedly based on research. We often have debates in this place about the research and evidence base for decision-making. It was on this basis that I have had a look at the research presented. The first type of research produced to justify this claim is produced and/or quoted by organisations emphatically opposed to homosexuality on religious or moral grounds. The second form of research provided is very selectively quoted and is often presented in a manner deliberately aimed to cause alarm. It is often based on studies that do not look specifically at same-sex families but instead are focussed on the outcomes of relationship breakdown, single parenthood and poverty.

The research quoted by opponents of this bill completely ignores any research that is contrary to their view. All credible research into gay and lesbian families shows that lesbian and gay parents are "like" heterosexual parents. Their children do not demonstrate any important differences in development, happiness, peer relation or adjustment.

A research study commissioned by the Canadian Department of Justice before the introduction of laws that allowed same-sex couples to be considered for adoption investigated the research on same-sex families. This report concluded that the studies which find that children suffer no developmental harm by being raised by homosexual parents employs some of the most methodologically sound programs of inquiry. The most rigorous and credible studies continue to demonstrate that it is family processes and not family structures that determine a child's wellbeing. This has been demonstrated by studies of Charlotte Paterson in the United States and Fiona Tasker and Susan Golombok in the United Kingdom. Independent researchers not funded by any institutes or think tanks conducted these studies. Their research found that:

The number and sex of the adults in a household has no bearing on children's well being—one adult or two, female or male, heterosexual or homosexual whereas the happiness of the relationship between adults in the household, and the openness of warmth and communication between the adults and the children do have a major impact on children.

As Susan Golombok, professor of family research and director of the Centre for Family Research at the University of Cambridge, recently stated in response to the United Kingdom's embryo bill:

There's now been more than 30 years of research in Europe and the US, that has found very consistently that children raised in a lesbian households are no different from children in heterosexual families, both in terms of their psychological adjustment, and also in terms of their gender development, and in terms of their relationships with other children.

All the research and the claims and the counterclaims about same-sex families come down to one simple fact: same-sex families are no different from any other family. People who have little experience of same-sex families, and even less contact with gay men and lesbians, can find it hard to understand this simple truth. Lesbians and gay men choose to have children for the same reasons that heterosexual men and women do. They want to build and share a loving family and they want to provide a safe and loving home for themselves and for their children.

Same-sex parents liaise with schools and doctors, wash jumpers for the junior sports team and bake cakes for the Parents and Citizens cake stall. Lesbian parents argue with their kids over bed times and negotiate about how much the television is on. Same-sex parents worry about who their kids are hanging around and whether their kids are being bullied at school. As their kids get older they worry about their kid's education, job prospects and whether they are happy. Like all families, same-sex families do their best but also, like all families, none of them are perfect.

The one very significant difference between many gay and lesbian families and some other families is that lesbian and gay parents have all thought very hard and overcome many challenges to bring children into the world. It is not a decision that has ever been taken lightly and nor does it happen by accident. The children within these families are dearly wanted, planned and cared for. Children in same-sex families are very fortunate to have the love and support of two parents.

Some in this debate would like to see a world where the only families are families comprising a man and a woman who are married and have children. This does not reflect the diversity of families within our community and as legislators if we were to restrict legal rights and protections to only these families we would be legislating for the minority and we would fail to provide all families in our community with the protection that they need and deserve. It is an important step forward that this bill recognises the diversity of families in our community and gives them the legal rights and responsibilities that they need to support and nurture their children.

It is rare that a piece of legislation that comes into this place has a direct personal impact on individual legislators. Tonight I find myself in this somewhat unusual position. I can speak from personal experience about the impact that this bill will have. It will make a difference to my children and the thousands of other children who are lucky to have two mums. When the Attorney announced these changes I went home and said to my nine-year-old daughter that the Government was going to make a law that meant I would officially be her mum. She simply looked at me blankly and said, "But Mum, you are my mum." When stripped bare of all the arguments for and against the bill, perhaps Jemima's response best sums up the importance of this legislation.

For lesbian mothers it provides certainty that they can continue to raise children with the same love and care that they always have. But for the first time they will have the recognition and protection of the law and for our kids nothing much changes. They will continue to live in their families as they have always done but from now on they will have the same protections as their friends. I commend the bill to the House.

The Hon. DON HARWIN [10.28 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 is aptly named because there are three quite distinct parts and I want to talk about all three. But given the time and the fact that we have heard a large number of very good speeches on the bill today I will but briefly do so. Schedule 1 includes some changes to the Anti-Discrimination Act that will ensure that people who are discriminated against on the basis of their same-sex partnership in the areas of work, education, provision of goods and services and accommodation will now have protection under the Anti-Discrimination Act, which is a good thing.

In Victoria, Western Australia, Queensland, Tasmania and the Northern Territory those protections are already in anti-discrimination or equivalent legislation. Those protections will now be available to gays and lesbians in de facto relationships in New South Wales. I refer to a particularly good publication by the Gay and Lesbian Rights Lobby on this bill. At page three the paper deals with some of the consequences when there is no specific mention of homosexual de facto couples. The Gay and Lesbian Rights Lobby states:

... currently existing "homosexuality" ground can be used (and has been used) to provide a remedy to someone who has been discriminated against because they are in a same-sex relationship. This is because being in a *homosexual* relationship is arguably part and parcel of being *homosexual*. In many cases, discrimination against someone who is in a same-sex relationship is discrimination against the person's homosexuality.

Further down it states:

... the current definition of "marital status" creates a dilemma for gay and lesbian couples who may have to go through the largely artificial and technical legal process of first arguing that it is the characteristic of a homosexual person to be in a homosexual relationship, in order to use the protected homosexuality ground as a shield from discrimination on the basis of same-sex relationship status. In other words, legal technicalities could stand in the way of providing sensible relief to an otherwise deserving couple who are discriminated against.

Reducing the opportunities for lawyers to play legal gymnastics means that deserving plaintiffs will be treated fairly in discrimination cases at a minimal cost.

Those two extracts from the excellent paper by the Gay and Lesbian Rights Lobby outlines the practical benefits for same-sex couples from these most welcome changes to the Anti-Discrimination Act, which are outlined in schedule 1. Schedule 3 relates to the consistency of de facto definitions and continues in the spirit of two pieces of legislation in the fifty-second Parliament, the landmark Property (Relationships) Legislation Amendment Bill 1999—the bill on which I cast my first vote in this Chamber—and the Miscellaneous Acts Amendment (Relationships) Bill 2002. Schedule 3 of this bill makes changes to more than 50 pieces of legislation, both Acts and regulations, in order to include same-sex couples in the definition of "de facto" relationship. These changes vary in both purpose and consequence, but again are of direct relevance to both gay and lesbian couples—unlike the third section of the bill, which I will come to shortly.

The first and largest category either imposes obligations or requires disclosure on same-sex de facto partners by including them in the existing definition. The second category confers on a same-sex de facto

partner a new right or entitlement. The affected Acts and regulations include the Sydney Cricket Ground and Sydney Football Stadium By-Law 2004, the Drug and Alcohol Treatment Act 2007, the Crimes (Administration of Sentences) Regulation 2001 and, perhaps of most significance, the Industrial Relations Act 1996. In the Industrial Relations Act the change grants same-sex de facto couples access to parental leave during the first year of their child's life. This is the only real change in schedule 3 that has attracted much attention. It is largely about nomenclature, not the substance of the change. This is pleasing because, after all, we should focus on the benefit to the child from the leave taken by the parent.

The third category of change in the schedule grants same-sex de facto partners exemptions on the grounds of their relationship. The changes impact on such Acts and regulations as the Apprenticeship and Traineeship Act, the Commercial Agents and Private Inquiry Agents Regulation and the Criminal Procedure Regulation 2005. Again, all these exemptions currently apply to heterosexual de facto couples and now they will also apply to same-sex de facto couples. The final category extends to same-sex de facto partners a prohibition from either doing or gaining something that is already extended to heterosexual de facto partners. The changes involve amendments to, for example, the Central Coast Water Corporation Act, the Farm Produce Act, the Local Government Act, the Lotteries and Art Unions Regulation and the Supreme Court Act 1970. None of these changes is in any way radical or controversial. Any attempt to portray them as such is only mischievous. They do not push boundaries or enter into dangerous new territory. They simply extend to same-sex de facto couples the same entitlements and, particularly in this legislation, obligations that currently apply to opposite sex de facto couples as a result of State legislation.

The third distinct part of the bill is schedule 2 relating to the Status of Children Act and two consequential amendments to matters relating to the registration of births, deaths and marriages, which is covered in schedule 3. I apologise if any member takes offence at my next remark, but no offence is intended. There is a great saying in the Australian vernacular that you can choose your friends but you cannot choose your family. It serves to remind us that at the centre of this debate must be our concern for the children, whatever their family circumstances. Honourable members must approach these changes on the basis of the benefits that will accrue to the children of same-sex partners rather than regarding them from the perspective of the rights of the parent or co-parent. I pay tribute to four of my colleagues, the Hon. Robyn Parker, the Hon. Trevor Khan, the Hon. Catherine Cusack and the Hon. Melinda Pavey, who have made the case for the extension of the parenting presumption in a passionate and forthright way. They have dealt also with a number of red herrings that have come up in this debate by way of email and other means. I could not add anything to the moving personal testimonials by the Hon. Helen Westwood and the Hon. Penny Sharpe.

I conclude by observing that while I do not disagree with my colleague the Hon. Catherine Cusack who said that these changes are certainly overdue, after having seen for more than 30 years the very real consequences of the fear of homosexuality and the ostracism, the discrimination and, far too often, the physical violence experienced by gays and lesbians, I am a little more sceptical, a little less optimistic and a great deal more pleased that we are finally seeing this legislation. I commend the bill to the House.

Dr JOHN KAYE [10.38 p.m.]: The Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 seeks to remove acts of discrimination against same-sex couples in parenting and raising children. The Greens support the bill, recognising that it is based on two basic facts. The first is that a quality loving relationship is not limited to people of different genders. The second is that a loving supportive environment for children can be and in many cases is provided by parents of the same gender. The introduction of this bill in Parliament is a tribute to the campaign for full equality for lesbians, bisexuals, gays, transgender and intersex people, which they have conducted over many years and the campaigns they also have conducted for the rights of children.

More importantly, this legislation is a measure of the maturity of the people of New South Wales who have begun finally, in growing numbers, to escape the shackles of prejudice. I cannot in any substantial way add to the contributions of other members who have spoken in support of this bill. I just pay tribute tonight to the Hon. Penny Sharpe and the Hon. Helen Westwood, who have not only given us solid and intelligent reasons to support this bill but have also had the courage to share with us their own personal experiences. I also pay tribute to my colleague Lee Rhiannon, the Hon. Robyn Parker, the Hon. Trevor Khan, the Hon. Catherine Cusack and the Hon. Melinda Pavey who have given us passionate support from a human rights perspective and ample evidence for that support.

In my own life, I have been delighted to watch children grow up as happy, healthy, well-adjusted kids with two female parents, and many members in this Chamber have shared an equal delight. But it is not just

about our personal experiences; there is hardcore evidence to support the proposition that children who are raised by two parents of the same gender are in no way disadvantaged. I bring to the attention of the House the 2002 fact sheet on the Evidence of Outcomes for Children of Lesbian Parents, which was endorsed by the Victorian Attorney General's Advisory Committee on Gay, Lesbian and Transgender Issues. That fact sheet stated:

Over the last two decades increasingly complex investigations have consistently shown:

1. that lesbian parents and their children are as emotionally and socially well-adjusted as their heterosexual peers
2. children have similar gender-identity development and gender role behaviour
3. sexual orientation of the children shows the same distribution as the population

I would insert there, "Who cares?"—

4. personal development such as intelligence, basic personality, self-esteem and moral judgment are no different
5. social relationships with peers and adults of either sex are no different
6. relationships with parents are no different

That is to say that the Attorney General's department in Victoria, based on an extensive study of the literature, came to the inescapable conclusion that the genders of one's parents will not determine outcomes. The Federal Parliamentary Library Research Service concluded, from an extensive literature review, that:

... the existing evidence indicates that the sexual orientation of parents does not appear to be a determinant of the success of a child's development. Nor does the presence of a father appear crucial for normal development ...

That is to say, two independent and unbiased observers of the scientific evidence came to exactly the same conclusion that the gender mix of the parents has no impact on the child.

I turn briefly to the opposition to this bill. There has been some rather loose use of statistics in this Chamber this evening. In particular, one member tried to equate what he referred to as broken families with families where both parents have the same gender. Of course, broken families include all nature of dysfunctional families and all nature of situations that would adversely affect children. But if one excludes all those types of families and includes only the same-sex families—and I totally reject the idea that same-sex families are in any way broken—then the evidence runs counter to that.

It seems to me that the arguments centre on the idea that the legislation somehow or other undermines the role of fathers in the community and with it the integrity of the so-called family unit. I cannot accept the argument that heterosexual families are in any way damaged by the recognition of same-sex relationships. Those sorts of contributions we have heard tonight raise the question: Is heterosexuality so fragile and is it so lacking in self-confidence that a diversity of relationships would somehow or other destabilise it? The Greens think not. I commend the bill to the House.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [10.44 p.m.], in reply: I thank honourable members for their contributions to this debate on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008, which has evoked considerable emotion. By and large the contributions have been well thought-out and I commend those people who have expressed support for the legislation. I want to respond briefly to some of the issues raised, perhaps not with the thoroughness that some members' contributions deserve because of the time factor, but there are important things I need to put onto the record.

The first point made in a number of contributions is that this issue has been raised suddenly and thrust on people with a level of deceit and no opportunity for discussion in relation to the complex issues raised. That has been responded to by a number of members. There has been a Law Reform Commission analysis of the situation, which was reported to the Parliament. Submissions were obtained in relation to the issues and those submissions were both for and against. The commission reported its conclusions and the Government responded. I outlined that response at a press conference some time ago. The bill was introduced in the House before we adjourned for a couple of weeks and there was an opportunity for people to look at the legislation and make appropriate comments and responses. I fail to see how this report, and indeed the response that was made by the Government, can be seen as some sort of secret agenda. Quite the opposite: there has been a very open, thorough and transparent process in dealing with the complex issues that this legislation raises.

I also make a couple of responses in relation to matters that Ms Rhiannon raised about where we go from here after this legislation is passed, particularly in relation to male same-sex partners and their children and the other issue of surrogacy. I addressed that issue at the press conference when I announced that the Government was going to introduce this legislation. I made the point that unlike other jurisdictions, New South Wales does not have surrogacy legislation. Male same-sex partners and the rights of children in those relationships inevitably invoke consideration of surrogacy agreements and surrogacy law. At this stage, issues relating to surrogacy laws are being examined by the Standing Committee of Attorney General, which will next meet in July to further consider progress in relation to this matter. Ahead of our being able to resolve issues of surrogacy, I do not believe it is appropriate to consider the commission's recommendations relating to male same-sex partners having children and the status of those children because inevitably that raises the issue of the deletion of the rights of the birth mother.

In relation to some of the other contributions in this debate I want to make a couple of things fairly clear. The issue of biological fathers has been raised by a number of members, particularly the Hon. David Clarke. These issues in relation to the non-rights of sperm donors were ventilated when this Parliament passed the Status of Children Act in 1996. Section 14 (2), (3) and (4) of that Act make it specifically clear that a person is not presumed to be a father, nor is a woman presumed to be a mother, simply by means of ovum or sperm donation. That is the current status of the law. Furthermore, issues were raised in this House about the rights or otherwise of access to assisted reproductive technology by lesbians.

These issues were canvassed in the Assisted Reproductive Technology Bill 2007, which was passed by both Houses without any dissent. No-one spoke against the Assisted Reproductive Technology Act, which gives rights to people to access in-vitro fertilisation. The argument that there will be some monumental change in relationships ignores the fact that the Parliament passed the Status of Children Act 1996, which made it perfectly clear that one does not assume rights or obligations as a result of ovum or sperm donation. This Parliament also passed the Assisted Reproductive Technology Bill, which, as I said, confirms access to IVF technology by lesbian women.

This debate has also generated a great deal of passion about issues that have already been resolved. The reality is that regardless of whether members like it or accept it, women in same-sex relationships have and are rearing children. That is a fact of life. The real issue in this debate is not whether that is right or wrong, because that has already been determined. The issue members must determine is whether the children of those relationships will have the same rights as children of opposite-sex relationships. If members do not support this bill, they will be saying that those children should not have those rights. That is what this legislation is about. All the other issues that have been raised have been dealt with and, in the case of the assisted reproductive technology legislation it was unanimously agreed to in this Parliament.

As I said, members can have whatever view they want to have, but these children and these relationships exist. They must acknowledge that fact and give these children the same rights that every other child has in a family. Those rights include access to workers compensation benefits that might flow from the same-sex partner of the birth mother, access to victim compensation benefits, rights of inheritance under intestacy, the right to be covered by the provisions of the Children (Care and Protection) Act with regard to the same-sex partner, and for the same-sex partner to have the right to consent to a medical procedure. At the moment, if the birth mother were to pass away, the same-sex partner who has been in a relationship with the birth mother and who has been raising that child would have no legal nexus to that child. This legislation simply reflects reality, and that reality is based on decisions that have already been made by this Parliament.

I will deal with the amendments shortly. A lot of misinformation has been presented in the past few days about the status of birth certificates. It has been mischievously suggested that somehow fathers will be deleted from birth certificates. I make it abundantly clear that that is not the intention of this legislation. The Government will support the amendment proposed by Reverend the Hon. Fred Nile to make it clear that mothers and fathers can be included on birth certificates. However, that will not stop other descriptors being used. I will reserve further details for the Committee stage.

Question—That the amendment of Reverend the Hon. Fred Nile be agreed to—put.

The House divided.

Ayes, 7

Ms Ficarra	Reverend Nile
Mr Gallacher	<i>Tellers,</i>
Mr Mason-Cox	Mr Clarke
Reverend Dr Moyes	Mr Lynn

Noes, 34

Mr Ajaka	Ms Hale	Mr Roozendaal
Mr Brown	Mr Hatzistergos	Ms Sharpe
Mr Catanzariti	Dr Kaye	Mr Smith
Mr Cohen	Mr Kelly	Mr Tsang
Mr Colless	Mr Khan	Mr Veitch
Mr Costa	Mr Macdonald	Ms Voltz
Ms Cusack	Mr Obeid	Mr West
Mr Della Bosca	Ms Parker	Ms Westwood
Ms Fazio	Mrs Pavey	
Miss Gardiner	Mr Pearce	<i>Tellers,</i>
Mr Gay	Ms Rhiannon	Mr Donnelly
Ms Griffin	Ms Robertson	Mr Harwin

Question resolved in the negative.

Question—That this bill be now read a second time—put and resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Suspension of Standing Orders: Instruction to Committee of the Whole

Motion by Reverend the Hon. Fred Nile negatived:

That standing orders be suspended to allow a motion to be moved forthwith: That it be an instruction to the Committee of the Whole that it have power to consider amendments relating to discrimination motivated by the religious convictions of a person.

Ms LEE RHIANNON [11.03 p.m.]: I move:

That standing orders be suspended to allow a motion to be moved forthwith: That it be an instruction to the Committee of the Whole that it have power to consider:

- (a) amendments relating to discrimination in employment, and
- (b) amendments relating to adoption.

I remind members of the long title of the bill, which states:

An Act to amend various Acts and instruments to make further provision in relation to same sex and other de facto relationships.

Members can see from that long title that the leave of the bill is considerable. I argue there is a clear case to consider our amendments, which have been drafted by Parliamentary Counsel. There are two parts to the motion. The first refers to amendments relating to discrimination in employment, which relate to amendments to the Anti-Discrimination Act. Members will recall that the Greens introduced a private member's bill that was designed to close the loopholes that allow religious organisations and small businesses to discriminate against people on the basis of their sexuality. I argue this is within the leave of the bill because by far the majority of complaints received about this aspect of the anti-discrimination laws relate to people who are discriminated against by their employers when it is discovered they are in a same-sex relationship. On that basis there is a clear case to consider our proposed amendments.

The second part of the motion relates to adoption. Our proposed amendment relates to schedule 2 to the Status of Children Act. The bill seeks to amend numerous pieces of legislation, and I suggest it would plainly be wrong to not give consideration to adoption issues at this point. We would be creating a dangerous precedent

with regard to legislation with such a wide-ranging long title if consideration of our amendments is not agreed to. I strongly urge members to support this motion to allow the consideration of our amendment. I realise the hour is late and that the debate has been lengthy, but that is no reason to reject what I regard is a fair point of view. We should have this discussion, rather than gag debate on such an important matter.

Question—That the motion for the suspension of standing orders be agreed to—put.

The House divided.

Ayes, 4

Ms Hale
Dr Kaye
Tellers,
Mr Cohen
Ms Rhiannon

Noes, 37

Mr Ajaka	Ms Griffin	Ms Robertson
Mr Brown	Mr Hatzistergos	Mr Roozendaal
Mr Catanzariti	Mr Kelly	Ms Sharpe
Mr Clarke	Mr Khan	Mr Smith
Mr Colless	Mr Lynn	Mr Tsang
Mr Costa	Mr Macdonald	Mr Veitch
Ms Cusack	Mr Mason-Cox	Ms Voltz
Mr Della Bosca	Reverend Dr Moyes	Mr West
Ms Fazio	Reverend Nile	Ms Westwood
Ms Ficarra	Mr Obeid	
Mr Gallacher	Ms Parker	<i>Tellers</i>
Miss Gardiner	Mrs Pavey	Mr Donnelly,
Mr Gay	Mr Pearce	Mr Harwin

Question resolved in the negative.

Motion negatived.

In Committee

Clauses 1 to 7 agreed to.

Reverend the Hon. FRED NILE [11.15 p.m.]: I have concerns about the effects of the amendment to the Anti-Discrimination Act 1977, which will add a new category of domestic status, which really means domestic same-sex relationship status. Under this provision some people may feel justified and see this as an opportunity to make a complaint to the Anti-Discrimination Tribunal about individuals or organisations that conduct events emphasising traditional heterosexual relationships, such as running a Father's Day picnic. I had foreshadowed moving amendments to cover people who have religious convictions and who only accept relationships between people of the opposite gender, that is, a male and a female. People with such sincere beliefs, who are, in effect, conscientious objectors, should not be discriminated against. Such a defence is available in the Anti-Discrimination Act for religious organisations but not for individuals. I am not able to move those amendments, but I ask the Minister to give that matter consideration. Perhaps he could introduce legislation at a later time to incorporate such provisions.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [11.18 p.m.]: The Government will not support the proposal put by Reverend the Hon. Fred Nile, the effect of which would be to delete an essential aspect of the legislation. A number of situations require a person to disclose whether he or she is in a same-sex relationship. It follows, therefore, that if people are obliged to disclose the fact that they are in a same-sex relationship, discrimination against them for disclosing the fact that they are in a same-sex relationship should be avoided. The bill does that by providing that it is unlawful for people to discriminate against a person on the basis of the same-sex relationship unless one of the other exemptions in the Act is met.

Schedule 1 agreed to.

Schedule 2 agreed to.

Reverend the Hon. FRED NILE [11.20 p.m.]: I move Christian Democratic Party amendment No. 2:

No. 2 Page 13. Insert after line 17:

[7] **Clause 5 (3)**

Insert after clause 5 (2):

(3) If the particulars supplied to the Registrar under section 14 of the Act specify that:

- (a) a parent who is the father of the child wishes to be identified in the Register as the father, or
- (b) a parent who is the birth mother of the child wishes to be identified in the Register as the mother,

or both, the particulars entered in the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires. This subclause does not limit the particulars which may be included in the Register.

The amendment seeks to address the criticism that the bill's wording seems to devalue the role of the father in that it gives the appearance that the father would not be shown on the birth certificate in this circumstance. What appeared to be an omission and a downgrading of the role of the father has caused a deal of concern about the legislation as a whole; indeed, most of the criticism has focused on that aspect. I have been endeavouring, as have other members, to find a way of resolving that situation. The Attorney General has indicated that it was never the Government's intention to make any statement in the legislation about the role of the father or the importance of fatherhood. If that is the case—and I believe it to be the case—I seek the Government's support for the amendment and the support of Opposition members by way of a conscience vote.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [11.22 p.m.]: The Government will support the amendment. As I clearly indicated in my second reading speech, it is not the Government's intention to modify the way birth certificates are issued in the sense of removing the names of mothers and fathers. Indeed, the current practice in relation to the naming of mothers and fathers has been an administrative practice that is not regulated by specific provisions. However, in order to allay any concerns we are happy to support the amendment.

The Hon. CHARLIE LYNN [11.22 p.m.]: I place on record that I had intended to move a similar amendment. I commend Reverend the Hon. Fred Nile for moving this amendment, which I support.

Question—That Christian Democratic Party amendment No. 2 be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 2 agreed to.

Reverend the Hon. FRED NILE [11.23 p.m.], by leave: I move Christian Democratic Party amendments Nos 3 to 9:

No. 3 Page 25, schedule 3.27 [2], lines 22 and 23. Omit all words on those lines. Insert instead:

[2] **Sections 55 (1), 58 (1) (d) and (2) and 60 (3)**

Insert "or partner" after "paternity" wherever occurring.

No. 4 Page 25, schedule 3.27 [4], line 29. Omit "**Partner leave**". Insert instead "**Paternity or partner leave**".

No. 5 Page 25, schedule 3.27 [4], line 32. Omit "Partner leave". Insert instead "Paternity or partner leave".

No. 6 Page 25, schedule 3.27 [4], lines 35 and 37. Omit "**partner leave**" wherever occurring. Insert instead "**paternity or partner leave**".

No. 7 Page 26, schedule 3.27 [6], lines 1 and 2. Omit all words on those lines. Insert instead:

[6] **Section 58 Notices and documents required to be given to employer**

Insert "**or partner**" after "**Paternity**" in the heading to section 58 (2).

No. 8 Page 26, schedule 3.27 [10], lines 17 and 22. Insert "paternity or" after "extended" wherever occurring.

No. 9 Page 27, schedule 3.27 [10], line 1. Omit "partner leave". Insert instead "paternity or partner leave".

These are very important amendments. The legislation removed the term "paternity leave" and replaced it with "partner leave". Once again this gave the impression that the legislation was making a statement about paternity, which is a reference to the father, and again it was interpreted as a downgrading of the father's role. As the Attorney General has indicated, it was not the Government's intention in the legislation to make any ideological statement about paternity. The effect of amendments Nos 3 to 9 would be to restore the word "paternity" so the relevant provisions would read "paternity or partner leave".

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [11.24 p.m.]: The Government supports the amendments.

Question—That Christian Democratic Party amendments Nos 3 to 9 be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment Nos 3 to 9 agreed to.

Schedule 3 as amended agreed to.

Title agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Motion by the Hon. John Hatzistergos agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

ADJOURNMENT

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [11.28 p.m.]:
I move:

That this House do now adjourn.

BIPOLAR AWARENESS

The Hon. LYNDIA VOLTZ [11.28 p.m.]: I speak about bipolar disorder. Recently I attended the inaugural gala dinner for the Topo Foundation for Education, known as the TF4E Foundation, hosted by the rugby union great Enrique "Topo" Rodriguez. The TF4E Foundation is a community-based mental health education program, and the dinner was held to raise awareness and funds for bipolar disorder in Australia. As everyone would be aware, many consider Topo Rodriguez as one of the greatest props rugby union has produced. He amassed an unequalled triple international rugby union career of 42 Test matches—playing for Argentina, Australia and Tahiti—before retiring in 1987. He was captain of the Argentine Pumas and was a crucial part of the Wallabies during the 1980s, including being part of the 1984 Grand Slam team.

It was only in his retirement that Topo Rodriguez was diagnosed with bipolar disorder. Prior to this he battled with the condition undiagnosed for eight years. Bipolar disorder is the term for a set of mood swing

conditions, the most severe form of which used to be called manic depression. Bipolar I disorder is the more severe disorder, with individuals being more likely to experience mania, have longer "highs", have psychotic experiences, and be hospitalised. Bipolar II disorder is generally viewed as less severe, with no psychotic experiences and with episodes tending to last only hours to a few days, but longitudinal studies suggest impairment is often as severe as in bipolar I disorder.

New South Wales data for 2006-07 on inpatient admissions indicates that at least 5,000 people were admitted for treatment of mania. For the same period it is estimated that at least 5,000 mental health patients of ambulatory care services were diagnosed with mania. Current statistics indicate that 20 per cent of the population will be affected by mental illness, and the incidence of one in five individuals being affected, whether through a family member, friend, work colleague or neighbour—further affirming that not only is the sufferer affected by mental illness but also the overall situation has a predisposition to affect one's entire support network. Tragically, around 15 per cent of the individuals diagnosed with a mental illness commit suicide. One positive aspect of the condition of bipolar disorder is that in many cases, with proper education and support, tragedies such as these are preventable.

Topo and his TF4E Foundation have a strong initiative in promoting awareness for mental illness through sharing experiences with others. Topo's life and journey—from escaping the atrocities committed in his homeland of Argentina in the 1970's to his glory days as captain of the Pumas and representing Australia in international rugby, to finally the diagnosis of his mental illness—were dramatised in a 2007 play called *Topo the Play*, by former Victorian member of Parliament and award-winning playwright Neil Cole. The Brain and Mind Research Institute sponsored the play, which was opened by Professor Ian Hickie, the Executive Director of the Brain and Mind Research Institute. I was lucky enough to view the play at the Seymour Centre last year. The play provided a sharp insight into the effects of melancholia and depression experienced by a healthy and high-achieving person and how he dealt with his condition.

Topo achieved great heights in his rugby career and his depression lay dormant throughout his playing days. However, in retirement he became ill with depressive episodes throughout the eight years of his undiagnosed state of bipolar mood disorder. As bipolar disorder often goes undiagnosed with the majority of sufferers, Topo created the TF4E Foundation and dedicated himself to the education, awareness and de-stigmatisation of mental illness within the community. The more awareness created about the condition, the easier it is to encourage people to seek help and support rather than suffer unassisted, as Topo did for those eight years. The aims of his foundation are to share with the public personal stories and experiences of mental illness with the main objective of promoting early diagnosis.

Topo himself gives talks on the issue and shares his many experiences and struggles with his mental illness to help people understand the nature of the condition and promote understanding within the community. The foundation held its inaugural gala dinner in April, raising funds to help broaden the foundation's message to a wider range of community organisations by inviting them to actively participate in its programs. Topo and his team have already delivered presentations to many schools, communities and workplaces. Their targets now include education in high schools, sporting clubs, local communities, senior citizens groups and corporate entities. Whilst the night featured many of Topo's rugby union teammates and current players supporting the worthy cause, a great majority of those in attendance were suffering from the mental illness. The night was a great success; it launched an initiative that will help rid mental illness of its stigma in New South Wales and Australia.

The New South Wales Government has taken steps to provide support for research, evidence-based treatment and support for awareness of mental health issues such as bipolar disorder. This includes \$16 million in funding to the Brain and Mind Research Institute for a new mental health building and support for the Black Dog Institute, which offers specialist expertise in and information about mood disorders, including bipolar disorder. In addition, the New South Wales Government has signed a partnership agreement with beyondblue: the national depression initiative.

WADI KANNOUBINE CHARITABLE ASSOCIATION

The Hon. DAVID CLARKE [11.33 p.m.]: Today I commend the good work of the Wadi Kannoubine Charitable Association in Australia and speak of the remarkable heritage of the Wadi Kannoubine Valley, in Lebanon, or the Valley of the Saints as it is more popularly known and from which the association derives its name and inspiration. I also highlight the unique importance of that valley to the Maronite Catholic Church and to Lebanon, especially to the several thousand Australians of Maronite Lebanese background who come from that special area.

The origins of those who come from the Wadi Kannoubine Valley—indeed, of Lebanese people as a whole—go back to the ancient Phoenicians. At a time when the great Empire of Rome was still just a village, the Phoenician empire was already flourishing. The Phoenicians were the builders of great cities. Carthage, for example, was a Phoenician city and Hannibal the Great was a Phoenician. They were also the greatest shipbuilders and seafarers of ancient times and are recognised as the founders of what has developed into the modern trading and commercial system.

The land of Phoenicia, or present-day Lebanon, is a land where Jesus Christ walked, preached, and performed some of His miracles. The Phoenician Lebanese were among the first gentiles to convert to Christianity, with Lebanon being visited on many occasions by various apostles, including St Paul. In the early centuries of Christianity, starting with the work of St Maroun, the Maronite Catholic Church, with its special uniqueness, vitality and spirituality, spread throughout all of Lebanon and has grown to become a church of great achievement and a church recognised for the sanctity of its many saints, including St Charbel, St Rafqa and St Nemetallah.

Despite great persecution through the centuries, the Maronite Church survived, grew and prospered. It outlasted the persecution of the Ottoman Empire. It outlasted others who, through the centuries, have sought its destruction, and it will outlast those who seek its destruction even today. Central to the history of the Maronite Lebanese, and to Lebanon generally, is the Wadi Kannoubine Valley, also known as the Qadisha Valley and more famously known as the Valley of the Saints. It may be only 35 kilometres long and not very wide, but it is a special place that has been sanctified through the centuries for the Christian Church and for the Maronite faithful. It is at the very core of the Maronite Church in Lebanon and its history. It is dotted with churches and monasteries that go back to the earliest beginnings of Christianity. It is where 24 patriarchs of the Maronite Church are buried. It is indeed at the heart of the heart, and it is indeed a holy valley. Together with its enormous natural beauty that is what the Valley of the Saints is and what it represents. That is why in 1998 it was added to the World Heritage list of UNESCO.

The Valley of the Saints has a very special meaning not only for all Maronites but also for the several thousand Lebanese Australians whose origins are to be found there and who in 1960 formed the Wadi Kannoubine Charitable Association. This is an association that brings together the descendants of the Valley of the Wadi Kannoubine for the purpose of passing on the heritage and traditions for which the Valley of the Saints is known.

But the Wadi Kannounbine Charitable Association does a lot more than that. It encourages its members to pass on these traditions by living their lives according to the Christian virtues and values the valley has come to represent. It encourages them in their Maroniteness. It seeks to pass on this heritage, particularly to the younger members of its community. But more than that, it seeks to acquaint the wider Australian community with these virtues and their relevance to life today. Most importantly, it seeks to manifest the Maronite tradition of Christian service and charity by engaging in charitable activities that help not only those in Lebanon and not only those in the Lebanese-Australian community but also those in the wider Australian community, regardless of their background.

My wife and I have been greatly moved by the spirit of charity we have found at functions of the association we have attended. Tonight I pay tribute to the Wadi Kannoubine Charitable Association for its spirit of service, for its promotion of good and decent values, and for the positive way it contributes to our community. I pay tribute to the association's president, Raymond Younan, its vice-president, Lishaa Younan, its secretary, Dr Anthony Michael, and its treasurer, Renee Wehbe, together with all the others who make the association what it is today.

I know the association is looking forward with great anticipation to World Youth Day in a few weeks, to the visit of His Holiness Pope Benedict XVI, and in a special way to the visit of their own Maronite Patriarch, Cardinal Nassrallah Boutros Sfeir. I wish the Wadi Kannoubine Charitable Association continued success in its efforts to bring greater understanding of the Valley of the Saints and what it represents, both past, present and future.

NIGHTCARE

Reverend the Hon. Dr GORDON MOYES [11.37 p.m.]: Tonight I inform the House of a great initiative to combat alcohol abuse in our community. In an age where the community is plagued by binge drinking, especially among youth, and the emergence of alcohol-related violence in bars, pubs and clubs, it is important to mention the positive and successful stories that come from effective partnerships between local communities, Christian churches and local police.

NightCare has been operating in Newcastle since 2000 as a partnership between Newcastle City Council and four groups—Mayfield Baptist Church, Newcastle City Church, DrugArm New South Wales and the Maitland-Newcastle Catholic Diocese. With support from Newcastle council and local police, the NightCare initiative aims to reduce alcohol-related crime and violence, while NightCare volunteers provide informal counselling, as well as offering support and referrals for people with drug and alcohol addictions to social service facilities available throughout the city of Newcastle and surrounding regions.

NightCare was funded for four years by the Alcohol Education and Rehabilitation Foundation and became one of its demonstration projects for helping to tackle binge drinking. The program is also an integral component of Newcastle City Council's Crime Prevention and Community Safety Strategy. NightCare volunteers work in teams of six each Friday and Saturday night between 10.30 p.m. and 2.30 a.m. It is estimated that each week they receive more than 1,000 visitors over both nights. Volunteers operate free late-night barbecues at various hot spots around the Newcastle city centre where police have identified high rates of assaults, vandalism and antisocial behaviour.

The free barbecues have created a safe refuge for people to sit down for a chat or a warm drink. According to the NightCare progress report, between 2005 and 2006 NightCare served more than 90,000 people across Newcastle and the service has grown four times its original capacity. The team from Mayfield Baptist Church previously was located at three bases: the railway and bus interchange on Hunter Street, the south end of Newcastle mall and Civic Park, Newcastle. However, since March 2008 the number of visitors has diminished significantly following the introduction of the 1.00 a.m. curfew and 3.00 a.m. closure of inner-city licence venues. Hence, there has been a different atmosphere in the inner-city on Friday and Saturday nights. The volume of people in the inner-city has declined and incidents are less frequent and less severe. At present, Mayfield Baptist Church operates the only remaining NightCare on Saturday nights in the Hunter Street mall. This site is close to one of the city's popular nightspots and on busy nights about 700 people come to the barbecue. While a number of homeless people visit the site, the vast majority of visitors are young revellers who have been binge drinking. Dennis Malone, the team coordinator of NightCare, said:

This program has had a positive impact on crime in the area and we find that if you can show people some generosity it often diffuses any anger they have.

A study conducted by the Department of Psychology of the University of Newcastle, which was part of the Newcastle City Council's evaluation of the NightCare program in its early stages, found evidence of modified behaviour. On speaking to hundreds of visitors at three inner-city NightCare locations, the university researchers found that the sites generated a positive atmosphere where people felt safe and appreciated and there was a sense of belonging to the community. There are many stories of successful outcomes—individuals whose lives have been changed, people who obtained work and people who faced up to their addictions.

I thank the volunteers of Mayfield Baptist Church for their tireless work, guidance and continuing assistance to those who have been afflicted by alcohol and drug abuse. They truly are the guardian angels of Newcastle's NightCare. They are Dennis Malone, director and leader of the program, Kevin Robinson, David Gaghan, Milton Caine, Joanna Hamilton, Leah Adair, Jess and Doug Murray, Keiran Bayl, Raul Kesser, Keith Wilson, Henry Ponson, Jonathan Ponson, Seth Madden, Laura Dunn, Ben Calder, Paula Chesterfield, Boyd Cowan, Brad Herd, Gary and Cheryl Inward, Iain McGill, John Lee, Jonathan Jonas, Peter Martin, Simon Burrow, Ted Flower and Julian Grayson. These people have given up their Friday and Saturday nights from 10.30 p.m. to 2.30 a.m. in order to serve people in the community who have drug and alcohol problems. This service has helped the community, violence has decreased and people feel they are appreciated and wanted in their own city.

THE NATIONALS NEW SOUTH WALES ANNUAL STATE CONFERENCE

The Hon. TONY CATANZARITI [11.42 p.m.]: I recently received a call from a farmer complaining about the New South Wales Nationals Annual State Conference and wanting to know why the conference was not being held in rural New South Wales. As I was interested in the matter, I asked that the promotional material be sent to me. Like many farmers, I was surprised to discover that the conference is to be held not only in Sydney, but also with the harbour as a backdrop. The conference will be held on the North Shore at Kirribilli. I am sure that not many farmers or rural businesses, let alone regional families, will attend the conference. Given the costs involved, I am sure that not many corporate types will be in attendance either. A gold corporate pass to the conference will cost \$12,500, silver \$8,000 and bronze \$5,000. While I do not begrudge the venues that will host the conference, I am concerned that a rural or regional town or centre is missing out on the custom, which would be most welcome in these times of need in the bush.

As a farmer and a member of Country Labor, I wonder what message this sends to our rural communities. How can country people feel that The Nationals represent them and formulate policies that assist them when, given the chance to lead by example, The Nationals hold their annual conference in the heartland of Liberal Party Sydney? I have often heard it said that The Nationals are becoming Sydney centric, that they are abandoning the bush and have forgotten their roots. Many people have lamented that the once-proud National Party is little more than a political appendage to get seats in the Parliament for the Liberal Party. It seems that The Nationals have become the chardonnay-sipping yuppies that the former member for Murray-Darling Peter Black was concerned about. The National literature constantly states that they are the "only party that is solely dedicated to representing New South Wales country and coastal people and their communities". This idea is reinforced in the opening paragraph of the annual conference flyer, where it is stated:

The Nationals provide a vital balance ensuring people living outside the major metropolitan centres have a voice in Parliament. Without The Nationals, Government policy would be determined by a substantial majority of city-based Parliamentarians.

As all members know, while The Nationals make the spurious claim at each and every election that it is a party in its own right and independent of the Liberal Party, at the end of the day its members are the obedient servants of their Liberal bosses and do everything their masters say. Their masters are, by and large, the city- and urban-centric Liberal Party bosses to whom they are called to heel. While clearly I do not hold the overall party in high esteem, I believe a small number of Nationals members are worthy of joining Country Labor. I would be happy to welcome them to one of our meetings. Still the sad fact remains, given that this conference is to be held on the leafy North Shore of Sydney in the heartland of the Liberal Party and the home of John Howard, many more in our rural communities will question the direction and, indeed, the very future of The Nationals.

ROYAL FLYING DOCTOR SERVICE

The Hon. JENNIFER GARDINER [11.46 p.m.]: In August 1917 a stockman named Jimmy Darcy was hurt badly in a fall in the isolated north-west of Western Australia. Found by his friends, he had to be transported 30 miles, as they said in those days, a 12-hour journey, to the nearest town of Falls Creek where there was no doctor and only one person who knew first aid—the postmaster named F. W. Tuckett. A doctor in Perth relayed instructions via telegraph to Tuckett, who was forced to carry out two bladder operations with a penknife. When a doctor finally arrived 10 days later Darcy, weakened by malaria and an abscessed appendix, had passed away. The tragedy became news across the country, despite the First World War raging in Europe at the time, and prompted calls for permanent doctors and nurses to be stationed in the outback.

The incident came to the attention of a Victorian man, Reverend John Flynn, who had been working in remote areas of South Australia and Western Australia, setting up bush hospitals and hostels to ease the burden on inland settlers. In 1912 Reverend Flynn was appointed the first superintendent of the Australian Inland Mission—the bush department of the Presbyterian Church. The rapid development of the aeroplane and its use in the war in Europe had given Flynn an idea: Why not use planes to fly medical help to where it was needed? A young medical student and soon-to-be military aviator in Victoria, Lieutenant Clifford Peel, heard of Flynn's ideas and wrote him a letter from a boat that was taking him to fight in the First World War. Peel argued that planes could overcome all the transport difficulties of the inland and, in particular, argued for "a missionary doctor administering to the needs of the men and women scattered between Wyndham and Cloncurry, Darwin and Maree".

Reverend Flynn was so impressed by the young man's ideas that he had them published in the church's magazine, *Inland*. Support for the idea began to grow and eventually Flynn had accrued enough funds to set up the Australian Inland Mission flying doctor service. Lieutenant Clifford Peel was killed flying over German lines near end of the First World War in late 1918—90 years ago—and he was never to know the impact of his letter. Flynn's flying doctor program grew into the Royal Flying Doctor Service, which now treats hundreds of patients every day.

Today the Royal Flying Doctor Service of Australia is divided into four divisions. New South Wales is covered by its South-East Section. The South-East Section has air bases in Dubbo, Broken Hill and Sydney, which service 47 Beechcraft King Air 200C twin turbo prop aircraft. This is a renowned aircraft across the world operating in both civilian and military roles. The South-East Section employs 36 doctors, a medical specialist, 23 registered nurses and 53 pilots. Together they flew more than 21 million kilometres last financial year and treated an average of 630 patients a day. Pilots are often required to land under difficult conditions such as short, dirt airstrips lit by petrol fires and car headlights.

Continuing pressures of drought and isolation in more distant areas have led to the need for increased mental health services across Australia. The Royal Flying Doctor Service recognises the need to increase the

emotional, as well as physical, wellbeing of its patients and must continue to receive support to ensure it can further develop its mental health programs. In April last year, the Howard-Vaile Federal Government announced increased funding of \$154.4 million to the Royal Flying Doctor Service, which would have brought the Federal Government's funding support to \$247 million from 2007 to 2011. Mark Vaile's announcement at that time was in keeping with the strong support of the Royal Flying Doctor Service over the years by members of The Nationals, with some of the keenest supporters being former members of this House; for example, the Hon. Rick Bull, the Hon. Doug Moppett, the Hon. Jack Doohan, OBE, and the Hon. Judy Jakins.

I congratulate the Royal Flying Doctors Service on its eightieth anniversary this year. I also take this opportunity to remind all governments of the need to continue to support this vital service to Australians in regional and remote locations across the country. The Royal Flying Doctor Service has generated great affection, loyalty and respect for its life-saving role. It is not too much to say that it is an Australian icon, and it is a service that we should never take for granted.

SHOALHAVEN CITY COUNCIL ELECTION CAMPAIGNS

Ms LEE RHIANNON [11.51 p.m.]: This week Mayor Greg Watson and some other Shoalhaven City councillors voted to overturn a previous council decision to allow the media to attend a meeting called to discuss Independent Commission Against Corruption recommendations aimed at minimising corruption risks in the development approval process. Mayor Watson's role in reducing council transparency is in addition to other activities where the mayor has failed to provide correct information to the Election Funding Authority on in-kind political donations.

Mayor Watson made copious use of material printed from Haven Printing during the 2003 New South Wales State election campaign. Invoices from Pinpoint Advertising showed that 110,000 brochures were delivered throughout the electorate. At least another 50,000 how-to-vote brochures would also have been required on election day. The expected printing cost for about 160,000 brochures would be around \$8,000. Yet, despite this use of printed material during the election campaign, no expenditure or in-kind assistance was disclosed to the Election Funding Authority. Mayor Watson did not declare \$8,000 worth of in-kind donations as a political contribution, nor did Haven Printing submit any donor declaration for the in-kind donation.

Printed material was used even more extensively by Mayor Watson during the 2004 Shoalhaven local government election campaign: 17 different how-to-vote brochures were submitted to the Election Funding Authority and a wide range of brochures was also used as direct mail advertising leading up to the election. Approximately six tonnes of paper, or 22 A4 sheets per Shoalhaven elector, were supplied by Shoalhaven Paper and delivered to Mayor Watson's business address at a cost of \$16,328, according to Election Funding Authority invoices. The cost of the printing service provided would normally be approximately \$45,000, but the amount reportedly paid to Haven Printing was just \$2,500. That leaves more than \$40,000 unaccounted for. Both Mayor Watson's party and the business that made the donation should have publicly disclosed details of this donation.

The proprietorship of Haven Printing remains unclear. It was neither a registered trading name through the Department of Fair Trading nor a registered company through the Australian Securities and Investment Commission; it did not advertise locally as a printing service; and it was not listed in the telephone directory. But there is evidence that points to Haven Printing being a business controlled by Mayor Watson. For example, electoral material showed the address of Haven Printing to be the same address as Save Money, a legitimate business owned by a Watson family company. Also, deliveries of printing supplies invoiced to Haven Printing were addressed to Save Money. Invoices from Haven Printing to several other candidates used the Australian Business Number for Save Money, but not the trading name.

We found that past brochures listed the telephone number for Mayor Watson's business under the printer declaration for Haven Printing. Haven Printing has also been used to print election material for candidates outside the Shoalhaven Independents Group, including John Anderson and Trevor Kilner. These candidates gave favourable preference flows to Mr Watson and the Shoalhaven Independents Group. Haven Printing printed Mr Anderson's 2004 group how-to-vote and election leaflets. On his return lodged with the Election Funding Authority, Mr Anderson indicates that he received a \$500 donation and that the group's printing costs were \$499.80. Considering the printing cost relative to other candidates, it would appear that he has failed to acknowledge an in-kind donation arising from inadequate consideration.

Mr Trevor Kilner, a 1999 and 2004 Shoalhaven candidate, was the managing director of the weekly *Shoalhaven Independent* newspaper. Mr Kilner gave his first preference to Mr Watson—a choice he is

obviously free to make. Mr Kilner's newspaper carried regular prominent advertisements over the months preceding the 1999 election for Trevor Kilner, Greg Watson and another candidate, Peter Murphy. Despite multiple advertisements with many half-page advertisements, Mr Kilner's newspaper advertising expenditure for this period was only \$1,000. There is no disclosure of in-kind donations arising from inadequate consideration between Mr Kilner and the newspaper. Neither Mr Watson nor Mr Murphy provided any details of expenditure of donation details for advertising in the *Shoalhaven Independent*.

Mr Kilner is now a member and deputy-registered officer for the Shoalhaven Independents Group. The *Shoalhaven Independent* newspaper company went into receivership in December 1999 owing \$460,000. Creditors of this company, probably unknown to them, were, in fact, funding advertisements for certain candidates in the Shoalhaven local government election. Clearly, Mr Watson and a number of other candidates in the last Shoalhaven local government election failed to abide by the funding disclosure rules. The failure to disclose what are clearly in-kind donations underlines the need to ban political donations from corporations and other organisations. The Election Funding Authority needs to be allocated increased resources.

[Time for debate expired.]

Question—That this House do now adjourn—put and resolved in the affirmative.

Motion agreed to.

The House adjourned at 11.56 p.m. until Wednesday 4 June 2008 at 11.00 a.m.
