

LEGISLATIVE COUNCIL

Thursday 17 October 2024

The PRESIDENT (The Hon. Benjamin Cameron Franklin) took the chair at 10:00.

The PRESIDENT read the prayers and acknowledged the Gadigal clan of the Eora nation and its Elders and thanked them for their custodianship of this land.

Bills

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

First Reading

Bill received from the Legislative Assembly, read a first time and ordered to be published on motion by the Hon. Penny Sharpe.

The Hon. PENNY SHARPE: According to standing order, I table a statement of public interest.

Statement of public interest tabled.

The Hon. PENNY SHARPE: I move:

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.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

That the second reading of the bill stand as an order of the day for a later hour of the sitting.

Motion agreed to.

Documents

REGISTER OF DISCLOSURES

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table the Register of Disclosures by Members of the Legislative Council, comprising Supplementary Ordinary Returns for the period 1 July 2023 to 31 December 2023, Ordinary Returns for the period 1 July 2023 to 30 June 2024 and Discretionary Returns submitted since October 2023.

REGISTER OF DISCLOSURES

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table an Erratum to the Register of Disclosures by Members of the Legislative Council for the period May 2023 to 23 August 2023.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: CONDUCT OF BUSINESS

The Hon. PENNY SHARPE: On behalf of the Hon. John Graham: I move:

That, notwithstanding anything to the contrary in the standing and sessional orders, on Tuesday 22 October 2024:

- (a) debate on committee reports and Government responses is to take precedence at 4.00 p.m. until 5.00 p.m.; and
- (b) questions are to take place at 5.00 p.m.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: HARD ADJOURNMENT

The Hon. PENNY SHARPE: On behalf of the Hon. John Graham: I move:

That Standing Order 34 relating to the hard adjournment at 10.00 p.m. be suspended for Thursday 17 October 2024 only.

Motion agreed to.*Motions***CENTRAL WEST LEADERSHIP ACADEMY**

The Hon. MARK BUTTIGIEG (10:04): On behalf of the Hon. Stephen Lawrence: I move:

- (1) That this House notes that:
 - (a) on 27 September 2024 the Central West Leadership Academy, Dubbo's newest kindergarten to year 12 school, which opened in 2018, held its first graduation ceremony for a year 12 class, with 12 students graduating;
 - (b) all the graduating students have already received admission to a university;
 - (c) the ceremony was attended by school principal, Mandi Randell; former chairman of the school board David Duffy; current chairperson, Tony Gerathy; the Hon. Stephen Lawrence, MLC; and numerous staff, community members, students and parents;
 - (d) the Central West Leadership Academy in Dubbo is home to the most rural International Baccalaureate [IB] Diploma Programme in Australia;
 - (e) the IB Diploma Programme is a game changer for regional equity and access to university, particularly for high ATAR degrees and universities;
 - (f) the academy, as it is affectionately called, is dedicated to closing the regional achievement gap and is a pathway to success for the Central West, particularly as there are no fully selective high schools in the region to support high potential learners; and
 - (g) the school supports regional economic development by offering a high achieving pathway that not only local but also tree changer families and the skilled migrant community require to remain in Dubbo long term.
- (2) That this House recognises and celebrates the first graduating class of 2024.

Motion agreed to.**KOORI KNOCKOUT**

The Hon. STEPHEN LAWRENCE (10:05): I move:

- (1) That this House notes that the Koori Knockout 2024 took place between 4 and 7 October 2024 in Bathurst.
- (2) That this House acknowledges the importance of the knockout in bringing the Aboriginal community together through rugby league.
- (3) That this House congratulates the Walgett Aboriginal Connection and the Redfern All Blacks on winning the men's and women's titles respectively.

Motion agreed to.**COROWA RALLY**

Dr AMANDA COHN (10:05): I move:

- (1) That this House notes that on Saturday 12 October 2024 a rally took place in Corowa where an estimated 50 neo-Nazis gathered in front of the town's war memorial, masked and dressed in black, and displayed a large banner with a racist slogan and chanted white supremacist slogans.
- (2) That the House further notes that the group responsible for the rally is connected to a larger white supremacist organisation whose members have been involved in similar hateful actions across the country and whose leader was present in Corowa.
- (3) That this House condemns the event and all forms of racism, white supremacy and far-right extremism.

Motion agreed to.**ADULT MULTICULTURAL EDUCATION SERVICES AUSTRALIA EMPLOYMENT EXPO**

The Hon. MARK BUTTIGIEG (10:06): I move:

- (1) That this House notes that:
 - (a) on 19 March 2024, Adult Multicultural Education Services [AMES] Australia hosted the Multicultural Culturally and Linguistically Diverse Employment Expo in Parramatta, and the Hon. Mark Buttigieg, MLC, was honoured to attend and make a speech representing the Premier, the Hon. Chris Minns, MP;
 - (b) Adult Multicultural Education Services Australia first opened in the 1950s, then under a different name, and the service provided English classes to new migrants and refugees, which later expanded to include other training opportunities like career development, aged care and childcare courses, as well as provide employment and settlement services;
 - (c) importantly, Adult Multicultural Education Services Australia works with employers through their Settling Into Work program, aiming to assist with the transition of migrants into new workplaces, and also offers cultural diversity training and provides strategies to make workplaces more culturally competent; and

- (d) the employment expo provided a significant platform for new migrants in Western Sydney to network with employers and educators and gain greater insight into the services on offer, therefore boosting their employment prospects.
- (2) That this House congratulates AMES Australia, including Cath Scarf and her team, Ed Dickson, Gill Bedford and Peter Harrison, on putting on such a successful and important expo.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: I postpone Government business notices of motions Nos 1 and 2 until the next sitting day.

Matter of Public Importance

PROTEST LEGISLATION

Ms SUE HIGGINSON (10:23): I move:

That the following matter of public importance be discussed forthwith.

The policing of protest in New South Wales.

This is a matter of absolute significance and importance to the people of New South Wales. The right and freedom of the people of New South Wales to assemble publicly to protest and to come together in dissent, in grief, or in anger—however they choose—is of fundamental importance. In recent times there has been an assault on that very fundamental right. We are seeing an intolerance and, in no uncertain terms, a threat to that fundamental right. This is a matter of public importance, and it should be brought on for discussion now.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (10:24): The Government does not oppose the motion.

The PRESIDENT: The question is that the motion be agreed to.

Motion agreed to.

Ms SUE HIGGINSON (10:25): When I was young, I saw an injustice. I remember the very day I decided to take a stand. I locked onto a bulldozer, using my body as the only thing that was left to stop the destruction of an ancient forest—

The PRESIDENT: Order! The Clerk will stop the clock. I will make it clear from the start: Today is going to be a day which raises tempers and emotions. Members will not use interjections of "Hear, hear!" and "Shame!" as a method of sending a message on particular issues. That will not be allowed.

Ms SUE HIGGINSON: When I was young, I saw an injustice. I remember the very day I decided to take a stand. I locked onto a bulldozer, using my body as the only thing that was left to stop the destruction of an ancient forest and all of the life that depended on it that could not possibly defend itself. That forest is now protected by law and is an incredibly valuable environmental, social and economic asset of this State. I did not go to jail back then. But if I did now what I did then, under the current anti-protest laws I may not be so fortunate. Without a doubt, I would be treated far more harshly: possibly denied bail and placed in police prison for one, two or maybe three nights, before being taken to court, then placed on strict and harsh bail conditions, subjected to surveillance and arbitrary intervention in my home, and restricted from being with my friends, loved ones and community. The State would spend a lot of money and resources on punishing me—and to what end?

Democracy and good governance rests upon a foundation of civil and political rights. The health and strength of a democracy is reflected in the way we treat and respect those acting peacefully for change and justice. The right to protest and the fair treatment of those who engage in non-violent civil disobedience are the cornerstones of a functioning democracy. But for the past 20 years, and particularly the past 10, successive governments have hammered away at our ability to peacefully protest and have introduced and encouraged harsh and cruel treatment of those who engage in acts of non-violent civil disobedience and peaceful protest. Both of those things are essential tools to be able to collectively dissent, hold governments to account and push for a fairer and more just world. Without protest and civil disobedience, we simply would not have the hard-won freedoms, rights and environmental protections that exist today.

We need our democracy to be strong and healthy. I raise this matter today because our democracy is in danger, and we are at a crossroads. Both major parties in this State have been in lock step and they have gone too far. Our right to collectively express our dissent, to protest and to stand together against injustice is being eroded. How we are treated when we do stand up and stand together has become excessive, cruel and degrading. It must

stop. In recent weeks, Labor Premier Chris Minns has made some serious threats to our right to protest and expressed some very worrying views about the role of protest in our democracy. He has suggested empowering police to veto protest applications at their discretion or to slap extortionate fees on protest organisers under a user-pays scheme. The very idea that only the rich will be supported to protest in this State is evidence that we are in trouble. The right to dissent and protest has been central to every fight for justice, peace, equality and the environment in the history of this State. It is the very foundation of social cohesion.

Before I talk to this State's long and proud history of peaceful protest and non-violent civil disobedience, I acknowledge the brutal genocidal violence perpetrated on the First Peoples of these lands and the incredible resistance of First Nations people in the frontier wars. We now know their resistance and fightback was fundamental for their very survival and the continuation of the oldest living culture on this planet. Since then, peaceful protest and non-violent civil disobedience have been the foundational tools the people of this State have accessed to build the very fabric of the democracy which we all benefit from and enjoy: First Nations people demanding their lands back, their right to participate and equality; unions and workers fighting for workers' rights; women demanding equality and freedom from violence; anti-war and peace protesters; students marching and striking for their futures; environmentalists protecting nature; climate activists disrupting ports, trains, main roads, fossil fuel corporations and everyday existence to draw attention to the structural harms our economic systems are causing to the climate, nature and the people as well as to our very survival.

The battles to save the rainforests of New South Wales in '79 were globally significant protests that benefited our democracy hugely. It was where effective non-violent civil disobedience for environmental justice and political purpose took shape in this country. Then came the green bans here in Sydney when the Builders Labourers Federation took up arms against corporate greed and refused to work on projects that were socially or environmentally unsound. It was those green bans that initiated the first ever democratic national and State planning systems in which heritage as well as environmentally significant sites became valued and stopped the rife corruption that beset this system and this State. Those iconic protest movements seeded the massive campaign to save the Franklin in Tasmania, then the protest to save the old growth forests in New South Wales and, of course, right here in Sydney, the 78ers who protested and suffered violence so that today we are all better able to love freely whom we choose.

Protest has been essential in peace. We have seen that throughout the history of this State. From the Vietnam War to the invasion of Iraq, the people of New South Wales have taken to the streets to call for an end to violence and hold the government of the day to account. In 2003 when the United States invaded Iraq, with the support of Australia, thousands of people, including current and former politicians from across the political spectrum, took to the streets to protest this move and demanded Australia withdraw its support and its troops. Now, twenty years later, Israel has launched the most horrific genocide in living memory against the people of Gaza, and now it is inflicting radical and extreme State violence in Lebanon. Both State and Federal Labor governments are not doing enough to stop it. In fact, they are actively funding the State of Israel. The people are taking to the streets because that is what we do. It is what we have always done. Protest continues to be essential in the fight against corporate power and exploitation. The climate protests and the protests against coal and gas continue. We saw the massive Bentley blockade in the Northern Rivers, which successfully warded off the plans to develop invasive coal seam gas fields across the region that I call home.

But it was around this time that we saw the mining industry start to interfere in our system of civil and political rights. Let us be honest here. The mining sector is no great friend of our democracy. The mining industry is dominated by transnational corporations and so we should not be surprised that they view our democracy simply as another cost of business to be neutralised as far as possible. Internationally, the mining industry has a name for the threat posed by democracy. They call it sovereign risk—the risk that populations in a democratic State may choose to curtail their business interests. I raise that because about a decade ago the then Liberal Premier, Mike Baird, in a speech to the NSW Minerals Council right here in this building, made a promise to the miners that he would throw the book at protesters who stood in the way of corporate interests—and he made good on that promise. What followed was the introduction of the first tranche of anti-protest laws, followed by more laws that have steadily become more draconian, more oppressive and more dangerous to the fabric of our democracy.

We hit a high point of intolerance in 2022 when both major parties in lockstep in this Parliament passed laws—in response to the disruptive climate protests that were taking place in the face of the Government's climate wars and radical inaction on climate change—that made it an offence, punishable by up to two years in prison and fines of \$22,000, to block a major road or a tunnel. Of course, that all followed from the unsuccessful, radical attempts by the Government and the police to stop the Black Lives Matter assemblies on the streets here in Sydney. Just this month, the same extreme and unsuccessful action was taken by the NSW Police Force, with the Premier's blessing, when it took the Palestine Action Group to court to stop the largest anti-State violence assemblies calling out the genocide and the most horrific State-sanctioned violence in modern history. That was done with full knowledge that New South Wales is home to the largest diaspora of Palestinian and Lebanese people in this

country. They are hurting, they are grieving and they are angry. They have not yet heard a word of condolence or support from the Premier.

All of that emboldens the police and their attitudes of intolerance, disrespect and dissent through which come the cruel and inhumane treatment of peaceful people and the encroachment upon our civil liberties. The fact is that attempts to stop the intolerance and the criminalisation of peaceful protest and the excessive response to non-violent civil disobedience have escalated, and it has to stop. It is the single biggest threat to social cohesion in this State—not, as the Premier might suggest, the peaceful assembly of people calling his Government to account. In 2022 the United Nations Special Rapporteur on the freedom of peaceful assembly and of association expressed alarm at the denial of bail for and the imprisonment of climate protesters in New South Wales, noting that peaceful protesters should never be criminalised or imprisoned.

The Human Rights Law Centre report *Protest in Peril: Our Shrinking Democracy* has laid bare the state of our protest laws. In the Australian Capital Territory and Victoria, protest is enshrined in the law as a human right, but here in New South Wales the Labor Government drags the Knitting Nannas through the courts for peacefully protesting, only to be told that the laws of this State are unconstitutional. It tried to do it again to the pro-Palestinian movement and failed in that, too. How much public money is being flagrantly wasted on the emboldening of the strong arm of this law-and-order State against citizens exercising their rights? That is not democracy. It is oppression, and we must act. The work to wind back these laws has been colossal and has been led and driven by incredible and dedicated members of the community and civil society for years and years. In April this year when the current Government commenced the statutory review of some of the anti-protest laws, 34 organisations came together to demand that the review was undertaken with public consultation. They won that, but the review is now overdue.

I note that my colleague will be introducing a bill to repeal the 2022 tranche of anti-protest laws and that the Coalition, with Labor, is likely to vote against that in the other place. Over 140 community organisations, including the Australian Council of Social Service, Community Legal Centres NSW, the Australian Services Union, NSW and ACT Services, and the NSW Council for Civil Liberties have called for all Australian governments to respect fundamental protest rights through the declaration of our right to protest. Earlier this month when the police and the Premier tried to stop the weekly community rallies, over 52 organisations signed an open letter calling on the Premier to stop the intolerance. The demands are very clear. It is time to repeal the anti-protest laws that were introduced under the former Coalition Government. None of those laws is designed to protect the people or our democracy. Those laws were designed to protect corporate profits and silence dissent. People engaging in peaceful activities, including the really inconvenient ones, are not violent criminals, and our laws must be changed to reflect that.

We are at a turning point. The choices we make now will determine whether New South Wales is a vibrant, participatory and healthy democracy or whether we descend further into a state of intolerance, repression and authoritarianism. We must act now. We must repeal the anti-protest laws. There is no place for those laws on our State's statute books. We must stop the harsh and dehumanising treatment of those who protest. We must ensure that no-one ever again goes to prison for peacefully standing up for what they believe in, and we must now, finally, take the steps to enshrine the right to protest in our laws.

The PRESIDENT: Order! I take this opportunity to make some comments about the behaviour expected of visitors in the public gallery. I quote predecessor of mine the Hon. Peter Primrose:

Members of the public are welcome in this Chamber. However, it is expected that visitors in the public gallery will observe the normal courtesies that the House demands and not attempt to participate in or disrupt proceedings. Various Presidents' rulings have prescribed the behaviour expected of visitors.

It is disorderly for a person in the public gallery to interject or make comments, or to attempt to communicate directly with members in the Chamber. Furthermore, visitors may not applaud—

as much as they may agree with the sentiments expressed—

use mobile phones or cameras, or pass messages to members in the Chamber. Anyone in the gallery who does not abide by the standards of behaviour expected or who seeks to interfere with proceedings in the Chamber will be asked or directed to leave the gallery.

That having been said, all visitors are very welcome here today if they follow those rules.

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (10:40): I contribute to the discussion on this matter of public importance on behalf of the Government, representing the Minister for Police and Counter-terrorism, who resides in the other place. Respectfully, this debate has been listed as a matter of public importance, but this morning we heard mostly a history lesson of protests that have occurred over decades in New South Wales.

Ms Cate Faehrmann: And now it's all at risk.

The Hon. TARA MORIARTY: Point of order: I listened in silence to the previous speaker, so I ask the member to do the same.

The PRESIDENT: I have made the point that I suspect today will be filled with emotion. I ask all members to not interject. The Minister has the call.

The Hon. TARA MORIARTY: What I was about to say is that we are all in furious agreement that people have the right to protest in this State. There is no argument against that. The Government supports people's right to protest in New South Wales. What people do not have is the right to break the law, and I suppose that is where the debate is. I respect the history lesson that was given of protests that have occurred over decades in this State. The Government and the police understand and are committed to the rights of people to protest in New South Wales, but they are also committed to ensuring the safety of all communities. Our priority is to ensure that all members of the community feel safe and supported to freely go about their daily lives without the fear of violence or discrimination.

Public safety is the top priority of the Government and the NSW Police Force. Police will work with all protest and rally organisers to make sure that the community is safe. Again, protesting is legal in this State and this country, as long as it is peaceful and lawful. People do not have the right to break the law, but they do have the right to express their views and to protest. That is not just my view; I know others support that view too. As I stated in this House yesterday in debate on a similar topic, even the current Leader of the Opposition in the other place said in 2022:

The Government supports the rights of all individuals to participate in lawful protest. Freedom of assembly and speech have long been recognised by Australian courts as important rights that are integral to a democratic system of government ...

Further to that, the member for Cronulla wrote in a newspaper op-ed in April 2022, "Free speech is central to any liberal democracy like Australia. That includes the right to protest." We are in furious agreement again. It is not just those views that are left in the past. When asked about the rally on Ben Fordham's 2GB radio program two weeks ago, he said:

I think if people were being respectful, that's what they do. You can't ban things that make you feel uncomfortable ...

I don't think you can't ban it ... in a liberal democracy, sometimes things happen that make us incredibly uncomfortable.

While I respectfully acknowledge the history lesson we received this morning, I suspect that this debate has been brought on because of recent activities that have been the subject of many discussions in the House. I turn to those as part of the Government's response today. We know that what is occurring overseas is a distressing situation for all community groups. Wherever conflict and strife occur overseas, there will be communities in New South Wales who may be affected and hurting. Before I talk about police engagement relating to the war in the Middle East, I acknowledge the Premier, Multicultural NSW and the Minister for Multiculturalism, who have consistently engaged community leaders since Sunday 8 October 2023 to extend our sympathies to impacted communities, listen to community perspectives, keep lines of communication open between communities and government and promote community harmony.

The NSW Police Force has been doing a terrific job too. I am pleased to report to this House on the work it has been doing to keep our community safe. The NSW Police Force launched Operation Shelter on 11 October 2023 to respond to public safety in relation to the current conflict in the Middle East. Operation Shelter was established to coordinate the response and gather all available intelligence about community sentiment, potential protest activity and potential demonstrations that might take place in the future. It has already been stated in this Parliament but it is worth restating that Operation Shelter has been a resounding success. As at 11 October 2024, 143 individuals have been arrested for 347 offences and 143 court attendance notices have been issued.

The Government and I congratulate the police on their work policing the recent protests on 6 October. Again, that is being mindful of community safety. Following an agreement on a planned route with the organisers, the Police Force deployed a highly visible operation in response to the planned protest to ensure the safety of participants and the wider community. General duties police officers were assisted by specialist police from the public order riot squad, the operations support group, the rescue and bomb disposal unit, the highway patrol command, the police transport command, the dog unit and the mounted unit.

While there is a right to protest, the police and this Government will not tolerate illegal behaviour. Where there is illegal behaviour, police will take action. Over the October long weekend police arrested a man for allegedly displaying an offensive swastika symbol without reasonable cause and a second person was charged with allegedly displaying a Nazi symbol without excuse. Both matters are now before the courts, and investigations under Operation Shelter continue. Police did a terrific job ensuring public safety on 6 October, given there was an estimated crowd of 10,000 people.

The police worked closely with partner agencies and protest organisers to execute a significant and robust police operation across the Sydney CBD, which evidently had a successful outcome. We will continue to engage with community groups as we monitor the situation here and abroad, and that is done well. I take the opportunity to thank those involved in the operations, including Assistant Commissioner Peter McKenna, who has been coordinating and working with all communities week in, week out. He is doing a terrific job. I thank the police multicultural liaison officers, who do a great job checking in with and working with the community.

I acknowledge that there are visitors in the gallery today who have connections to various protests about live and present issues in today's debate. In particular, I acknowledge that there are people in the gallery who have a connection to the protest at the Port of Newcastle. I am advised that the NSW Police Force has continued to engage with that organisation regarding its recent application to protest. Again, to be clear, everyone has the right to protest peacefully and lawfully, but they do not have the right to break the law. Anyone who breaks the law faces arrest. I understand a new form 1 has been submitted and is being assessed by police. Police will make a decision based on public safety. I am advised that discussions are still ongoing about that annual event and the organisers continue to be in conversation with police.

The Hunter has already faced significant disruption this year. I acknowledge the hardworking police who have risked their personal safety to arrest protesters who were doing the wrong thing. Our priority is to ensure that all members of the community feel safe and supported so they are free to go about their daily lives without the fear of violence and discrimination. I acknowledge that there are people in the gallery who have a connection to one of the issues touched on by the mover of this motion, which is the protests that occur on a regular basis and have occurred recently regarding native forest harvesting. As the Minister responsible for forestry, I fully understand that people have views about that issue. I certainly respect those views. We had a debate about it yesterday afternoon, as we regularly do on Wednesdays in this place, and appropriately so. People have views on that industry at the moment. They are entitled to protest, and they do so every day. They have the right to do that.

The situation that we debated yesterday is an example of something that has escalated and become problematic. Last week, people attached themselves to heavy machinery in a particular forest. Again, people have the right to protest and to express their views, but if they break the law and attach themselves to heavy machinery, putting themselves and forestry workers in danger in legal workplaces in which people have a right to safety, that is where things cross the line. I acknowledge that people have strong views. They are entitled to that; there is no question about it. The line is crossed when people break the law. Again, the Government supports the fundamental right that people in New South Wales and Australia have to protest and express their views, but there are consequences for breaking the law. People can express their views and protest. They cannot break the law.

The Hon. CHRIS RATH (10:50): In our State and in this country, we hold the right to peaceful protest as sacred. However, that right to protest does not extend to violent, hateful and divisive behaviour. It does not extend to openly supporting listed terrorist organisations. It does not extend to antisemitism. Yet that is exactly what has been happening on our streets. What makes the rise in violent protests even worse is that they come at an extreme cost to taxpayers. We had that debate yesterday, and we are having it again today.

The Sydney protests have been estimated to have cost New South Wales taxpayers over \$5 million, which does not factor in the costs of having a police presence at universities. The money used to monitor the Palestine Action Group protests could have been used to pay for a year's salary for 56 paramedics, 52 teachers, 71 nurses, 69 police officers or 113 Service NSW staff. This Government needs to ask itself whether or not it will keep facilitating and funding the protests that are dividing our nation.

The Greens often say that the police presence at some protests is too extreme or too heavy handed, but we need those police officers. The police do a risk assessment of the different protests taking place. They make an assessment. Unlike The Greens, members on this side of the House respect the police. Imagine if we got it wrong and underestimated the number of police required at a protest. Two days after the 7 October attacks last year, on 9 October, an angry mob descended on the Opera House, throwing flares at police, burning an Israeli flag and chanting antisemitic remarks.

Imagine if the police, like The Greens are suggesting, said, "It's all fine. Let's underestimate the number of police that are required at the Opera House." Imagine what an angry mob inciting violence and chanting antisemitic remarks could have done on that night. The police presence is often appropriate. It is appropriately assessed. The Opposition respects the police. Thank God that they get it right. If it means that at times there are slightly more police officers required at some protests, it is for very good reason. It is to mitigate some of the worst potential behaviour that could come if those police officers are not there. Ms Sue Higginson spoke about peaceful protests. The Opposition supports peaceful protests.

The PRESIDENT: Order! The Clerk will stop the clock. Ms Abigail Boyd is not assisting the process. Ms Sue Higginson was heard in silence. The Hon. Chris Rath will be heard in silence.

The Hon. CHRIS RATH: What is peaceful about the electorate office of Peter Khalil being vandalised and sprayed with an inverted red triangle, a kill symbol for Hamas, a prescribed terrorist organisation? What is peaceful about that vandalism? The NSW Young Greens defended that particular action on social media a couple of days ago. Peter Khalil said:

When staff opened the door to enter, they then noticed a hole had been drilled into the office and an unknown substance pumped in. The stench was so unbearable that staff immediately closed the door, and hours later still feel overwhelmed and sick from the intensity.

He went on to say that he supports peaceful protests but argues "when that escalates into actions that harm people, as it has today, then that is not protest". Who is right? The NSW Young Greens, defending the actions of vandalism in support of Hamas, or Peter Khalil? Obviously, Peter Khalil is right. The vast majority of Australians would be on the side of Peter Khalil and not vandalism in support of Hamas.

The Opposition condemns the NSW Young Greens. That is not peaceful protest. Recent polling shows that the overwhelming majority of Australians do not support the types of protests that are taking place on our streets. There was a Resolve Political Monitor poll just over a week ago that showed that. I hope that Government members stand up against the protests and show some conviction, just as the Premier did last week. When speaking about the protests, he said:

The cost is huge ... so I'm going to have a review into the resourcing that police put into these marches, and it's my view that police should be able to ... deny a request for a march due to stretched police resourcing.

The Opposition agrees with the Premier. Do Government members agree with the Premier? I think not. The Premier went on to say:

When you've got someone putting in an application every seven days for 51 weeks to march through Sydney streets, this is costing millions of dollars, and I think taxpayers should be in a position to be able to say we would prefer that money spent on roadside breath testing, domestic violence investigations, knife crimes, rather than the huge resources that's going into the city and the community.

Again, the Opposition agrees with the Premier, but does every member of the Labor caucus agree with the Premier? They should speak up if they do not. We know some of the commentary they make privately, and even publicly in this place. It was unfortunate that in this Chamber last night they did not support the motion put forward by the Hon. Rachel Merton backing in the Premier's comments. We are seeing protests not only on our streets, which require a huge police presence, but also at our universities, which have become a stage for extremism. The people of New South Wales are sick of paying for that extremism. It is perverse and must be dealt with.

The Hon. MARK BANASIAK (10:58): On behalf of the Shooters, Fishers and Farmers Party, I contribute to the debate to support the right to peaceful protest, but there is a line that sometimes gets crossed. I acknowledge that it is not being crossed by every person in a group that is protesting. Good people within a lot of groups protest for the right reasons. Members see it day in, day out outside Parliament. People protest for various causes and issues that they hold dear. Not everyone in those groups descends to taking actions that threaten or endanger the safety of themselves and others, but there are sometimes people within those groups who do. There needs to be laws to deal with people who engage in actions and activities that threaten lives and endanger others.

There is a line between what is peaceful protest and what is not. For the Shooters, Fishers and Farmers Party, if people throw faeces at someone because they are doing their job out in the forest, that is not peaceful protest. If people threaten to run forestry workers off the road, or send text messages to forestry workers saying, "We know where your kids get off at school", that is not peaceful protest. People standing with signs that say that they do not like what is being done is peaceful. We get it: That is an opinion and people have a right to express that opinion. But when it descends into things that threaten the lives and safety of others, or of themselves when they need to be rescued by police or whoever else, then the Shooters, Fishers and Farmers Party thinks that crosses the line. That is why those laws are in place: to deal with the small minority of people who choose to cross that line.

The PRESIDENT: Order! According to sessional order, business is now interrupted for questions.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

The Hon. PENNY SHARPE: I inform the House that, in the absence of the Hon. John Graham today, we have an acting Deputy Leader of the Government, the Hon. Daniel Mookhey, who will be available to take any questions that members may wish to ask regarding the portfolios of the Hon. John Graham.

*Questions Without Notice***HEALTH INSURANCE LEVIES**

The Hon. DAMIEN TUDEHOPE (11:01): My question is directed to the acting Deputy Leader of the Government in his capacity as the Treasurer. He has announced plans to increase the health insurance levy from \$1.77 to \$3.27, which is a rise of 85 per cent. Has he broken his pre-election pledge of no increased taxes?

The Hon. DANIEL MOOKHEY (Treasurer) (11:01): I thank the shadow Treasurer for his question. I very much appreciate that I have the additional responsibility of sitting at the table today, as it has clearly led to a question. I am very happy about that. The short answer is no. As members have been discussing all week, the facts are simple: Private health funds are refusing to pay their bills. As a result, they are costing New South Wales taxpayers \$140 million per year. At the same time, they have launched a campaign to increase premiums by more than 6 per cent. In addition to that, they are paying their own members the smallest amount of benefits in years. Those two factors have combined to ensure that their profitability is at sky-high levels, which has of course caused them to pay sky-high bonuses to their top leadership. The reasons why I am acting—

The Hon. Damien Tudehope: Point of order: I did not ask the Treasurer why he had made that decision. I asked him if it was a broken pre-election promise not to increase taxes. If he wants to explain why it is not an increase in tax, that would be an answer to the question. But to explain why he is doing what he is doing is not an answer.

The PRESIDENT: There is no point of order. The Treasurer has the call.

The Hon. DANIEL MOOKHEY: As I was saying, that is why I have introduced the exact same legislation as Mike Baird did. If I was to take the shadow Treasurer at his word, he would be accusing Mike Baird of increasing taxes a decade ago. When Mike Baird did it, it was cost recovery, which Mark Speakman, the Hon. Natasha Maclaren-Jones and the Hon. Sarah Mitchell voted for. According to the logic of the shadow Treasurer, they voted for a tax increase 10 years ago. If Mike Baird does it, it is enforcement action, but if Labor does, it is a tax increase. What is revealing is the declaration of whose side the shadow Treasurer is on: He is on the side of the health insurers. He is on the side of excessive profits. He is not on the side of the benefits, and he is not even on the side of Mike Baird.

UNIVERSITY OF NEW SOUTH WALES

The Hon. ANTHONY D'ADAM (11:04): My question without notice is directed to the Minister for Finance, representing the Deputy Premier and Minister for Education. Will the Minister update the House on the contribution the University of New South Wales makes to the State's education sector?

The Hon. Penny Sharpe: That's where I went to uni.

The Hon. Sarah Mitchell: My former uni, and Courtney's.

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:05): I acknowledge the interjections from the Deputy Leader of the Opposition and the Leader of the Government, acknowledging that they are alumni of the excellent University of New South Wales.

The Hon. Sarah Mitchell: That's the first time we've agreed.

The Hon. COURTNEY HOUSSOS: I will acknowledge that one again.

The Hon. Daniel Mookhey: Which one of you passed?

The Hon. COURTNEY HOUSSOS: Let's not discuss that one. Universities make an enormous contribution to our State's economy. They make an enormous contribution to the social, cultural and academic fabric of our State. Importantly, education remains the State's second biggest export. Given the bipartisan comments earlier, I think the House will indulge me in the opportunity to pay tribute to the University of New South Wales, which is celebrating its seventy-fifth anniversary this year. It was a great privilege to participate in those celebrations and honour a number of its high-achieving alumni at the annual alumni awards last night. The Governor of New South Wales was also present and gave an excellent and informed speech. I was told she had taken the time to read the 90-page piece of legislation that passed through this Parliament, which talked about the need for a university that commercialises research. If ever an endearing and enduring contribution was made by universities, it was encapsulated in the second reading speech on the bill that passed through this Parliament.

I particularly acknowledge the work of the chancellor, David Gonski, and the vice-chancellor, Attila Brungs. They are two excellent, highly accomplished individuals who are stewarding that amazing institution through its seventy-fifth anniversary. Interestingly, they both are also alumni of the university, as we noted last

night. I took the time last night to thank both of them for their personal support and advice at a time when my learning curve is as steep as it was when I was on campus. It is an incredible place that has produced literally hundreds of thousands of graduates in New South Wales and right across the world. It remains an absolute beacon of innovation, creativity and continuing research for the future of our State. Across the board, our universities are amazing, but I really congratulate the University of New South Wales on its seventy-fifth anniversary and look forward to celebrating many more.

GOVERNMENT PROCUREMENT POLICY

The Hon. SARAH MITCHELL (11:08): My question is directed to the Minister for Domestic Manufacturing and Government Procurement. For the second time since Labor took government, small businesses contracted to carry out the installation of residual current devices to ensure safe switch boards in schools have been told at short notice to cease all work, leaving them out of pocket and threatening jobs. What steps is the Minister taking to ensure that government contracts procuring services from small businesses are honoured?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:09): I thank the honourable member for the question relating to a procurement matter that is being managed by the Minister for Education and Early Learning, and Deputy Premier. As I have spoken about in this place many times, the New South Wales Government procures about \$42 billion worth of goods and services every year. At the moment, we continue to operate under a devolved procurement model that we inherited from those opposite. I have made announcements about how we will take a new approach to procurement. That includes establishing the Jobs First Commission through legislation that will be presented to this Parliament. It also includes the "if not, why not" ministerial directive that I issued last month, which requires government agencies to find a local business for tenders worth over \$7.5 million before they procure from elsewhere.

I will come back to the member with the specifics in the question about the electrical work being done in schools. That contract is administered through the Department of Education, and I need to seek additional information from that department, through the Minister for Education and Early Learning, and Deputy Premier, whom I represent in this place. I have received other questions from members, including the Hon. Rod Roberts, about specific procurement arrangements and tenders that are managed by other Ministers. It is appropriate for some level of that management to occur within those individual departments. The exact threshold for those is still under active consideration by the Government, because no doubt there is a need to better leverage our Government procurement dollars, while retaining the ability for individual departments to make their own decisions. The Government is actively considering that at the moment.

When speaking about procurement, it would be remiss of me not to mention the procurement inquiry that handed down its report on Friday and pay tribute to the work of the Hon. Dr Sarah Kaine. I also give a shout-out to her op-ed in *The Daily Telegraph* today, which outlines exactly the opportunities we have if we better leverage our Government procurement spend. I encourage members to closely look at that report for a more detailed response.

The Hon. SARAH MITCHELL (11:12): I ask a supplementary question. I thank the Minister for her answer and appreciate that she has taken on notice the substance of the particular issue related to schools and electrical safety upgrades. Will the Minister elucidate that part of her answer where she talked how some of these procurement areas are her responsibility but also fall to other Ministers and departments? Does the Minister have any role in ensuring that the Government honours the contracts with small businesses, like in the example I gave?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (11:12): I thank the honourable member for the supplementary question. In response to what she sought elucidation about, I say we are continuing to work out exactly what the right threshold is for the centralisation of those contracts, but at the current time, the existing arrangements that operated under the previous Government in relation to the Procurement Board, and the operation of the Procurement Board in setting the broad policy framework, remain in place.

One of the key things that I have done as the Minister for Domestic Manufacturing and Government Procurement is to increase requirements around the reporting that comes back to the Procurement Board. We are considering the consequences if the Government's procedures more broadly are not adhered to. The questions of administration of individual contracts, tender panels or procurements remain questions for those individual portfolio Ministers. My responsibility as the Minister for Domestic Manufacturing and Government Procurement is to set the broader policy framework.

The approach that I have taken is to continue to test the existing system that we inherited before we start making changes, because I think that is appropriate. There are some immediate shortcomings, but this reform

program will take time and we will do it in a considered and careful way, in close consultation with industry, the union movement and the community. That is exactly what we are doing, as we speak. I am serious about the question of consultation and working closely with the community, particularly on the area of procurement. There is large agreement about the changes we are proposing, particularly from the business community and unions. *[Time expired.]*

STUDENT HOUSING

The Hon. TAYLOR MARTIN (11:14): My question is directed to the Minister for Housing. I refer to a recent fact sheet released by the Federal Government last month. The Australian Department of Education released a report on international students and the private rental market. It shows that 7 per cent of all dwellings in Australia in 2024 in the private rental market are currently occupied by international students and, in 2021 alone, that figure exceeded 10 per cent in the local government areas of Burwood, Strathfield, Bayside, Sydney City, Georges River and Cumberland. Will the Minns Government make the provision of student housing easier, which will free up the private rental market and make it easier for New South Wales residents to find a home to rent or buy?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:15): I thank the honourable member for his question. It is universities day today. One part of the work that we can do to support our excellent higher education institutions is to ensure that there is adequate housing for students who want to attend our universities. We are doing a couple of things to respond to the extremely valid issue that the honourable member raised in his question, which is the relationship between students and, in particular but not exclusively, international students—domestic students also often require student housing if they are moving from, say, regional New South Wales to our cities to attend university—and the private rental market.

What are we doing? Flexibility in the planning system is being provided to ensure that the provision of student housing can sit alongside other forms of private market and affordable housing. There are a couple of examples in Sydney of where that has already happened successfully. We want to make sure that the planning system specifically recognises student housing as a discrete form of housing and allows its provision in a way that is incentivised, alongside other forms of housing. That is some of the work we are doing in the planning system.

We are also keen to work with universities to activate their land because, as we well know, land is easily the biggest cost in the provision of housing. I have met with the three major institutions in Sydney—the University of Technology Sydney, the University of Sydney and UNSW—where a lot of those pressures are being felt, to discuss how we might partner with them to activate their land for housing. Those conversations have been productive, and I am pleased to report to the honourable member that those institutions want to lean into being part of the solution.

We are also working with universities and in the planning system to bring in the specific provision of student housing. But the reality is that a lot of students will continue to live in the private rental market. When I was at uni, I had that classic share house experience of me and three mates in the private rental market. The reforms we are making to the private rental market—for example, the abolition of no-grounds evictions—will also provide more stability for students in the private rental market and start to stabilise some of the distorting elements that have been felt in Sydney. We want our city to be attractive to students—international students, domestic students and anyone who wants to study here. It is a great place to study. We know housing is an important part of that equation, and we are looking at ways to ensure that it is available. We are incentivising the building of more student housing and encouraging the universities to step up and include housing as part of the suite of offerings, alongside quality higher education.

FINANCIAL LITERACY WEEK

The Hon. MARK BUTTIGIEG (11:18): My question without notice is addressed to the Treasurer. Will the Treasurer update the House on the efforts being made to ensure that the next generation has good financial literacy?

The Hon. DANIEL MOOKHEY (Treasurer) (11:18): I thank the honourable member for his question, and I will. I commence by confessing that teenage Daniel Mookhey's fantasies came true this week. I had the opportunity to walk down to the Australian Securities Exchange and ring the bell to signal the commencement of market trading and mark the beginning of Financial Literacy Week, which made that year 9 commerce student very excited. Indeed, it is Financial Literacy Week, lead by global stock exchanges across the world. It is a fine opportunity for all and sundry to take a great interest in financial literacy. I want to pledge special classes this week for the shadow Treasurer, should he need some. It also marked the end of the Sharemarket Game, which is a competition run by the Australian Securities Exchange.

The Hon. Damien Tudehope: Don't worry, I'm pretty familiar with it.

The Hon. DANIEL MOOKHEY: I acknowledge that interjection. I understand the shadow Treasurer is quite a fine exemplar of share trading in New South Wales. In fact, one could say he bet his career on it. But it is a fine opportunity to encourage students. Some 700 schools are participating in the Sharemarket Game as part of Financial Literacy Week and, equally, so are adults. Those of us who are not permitted under the ministerial code to own shares should participate in that competition. But, alas, we will lose to the winners: John Redgrave, Paul Gabrielides and Stuart Vaughan.

Financial literacy is incredibly important. At a time when people are using less cash and financial decisions are becoming more complicated, it is important that we give students, young people and others an opportunity to participate and learn about concepts like currencies, markets, trade, budgets and taxes. Lots of people have participated in the game. I was a Sharemarket Game participant when I was a year 9 commerce student. I bet my whole portfolio on a company called Biota. It went up for a week and crashed the next, wiping me out. It was at that point that I decided that I had no career as a stock market picker, so public finance was for me. I congratulate everybody on Financial Literacy Week.

HUNTER VALLEY HYDROGEN ENERGY HUB

The Hon. ROD ROBERTS (11:22): My question is directed to the Leader of the Government in her capacity as Minister for Energy. I draw the Minister's attention to the recent news that Origin Energy is withdrawing from the Hunter Valley Hydrogen Hub despite receiving a \$45 million grant from the New South Wales Government, as indicated by the Minister's answer to question No. 1414 published on 16 November 2023. Will the Government seek to recover the \$45 million grant from Origin Energy? With projects worldwide being cancelled, will the Government admit that the economics of green hydrogen do not stack up and will it invest in alternative projects based in reality?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:22): I thank the honourable member for his question. He is correct that Origin Energy has recently withdrawn from the development of its Hunter Valley Hydrogen Hub project on Kooragang Island. There is no doubt that we are disappointed about that, but we remain absolutely committed to building a viable hydrogen system and supporting businesses to develop that industry in this State. It is going to be incredibly important into the future. There are challenges. Let's remember that it is not actually viable yet, but we are trying to speed up hydrogen development in this State. The opportunities are enormous because of the changes to the coal industry over time and the need to look for other export markets. As an example, I spent a lot of time with very good businesses from both Korea and Japan that are very interested in the way New South Wales is seeking to develop hydrogen and is supporting businesses to do so.

The reason I am hesitant to directly answer the question is not because I am trying to be tricky; I need to interrogate the note in front of me a bit further. I will sensibly get a proper answer that is correct for the member. I think I know the answer, but I am not going to guess. We will work through that. Hydrogen has an important part to play. It is going to be incredibly important for industries where it is hard to abate emissions. We have intensive industries like aluminium and others that we want to and must continue. They are extremely important both domestically and internationally for our trade. Hydrogen is one path. The Government is doing more work on other renewable fuels as well to fill the gap as hydrogen continues to develop. Yes, we are in a difficult phase around that. There is a real commitment from the State and Federal governments to support those initiatives. People would be aware that another one of our projects is on the list for support from the Hydrogen Headstart program run by the Federal Government. I am hopeful that Minister Bowen will see fit to tick off on that. There are some bumps in the road, but I will get back to the member specifically because I do not want to mislead the House.

HOUSING SUPPLY

The Hon. SCOTT FARLOW (11:25): My question is directed to the Minister for Housing. In the last 17 months of the Coalition Government, 71,973 new dwellings were approved. In the first 17 months of the Labor Government, just 63,844 new dwellings were approved. How does the Minister respond to that 11.3 per cent drop in new dwelling approvals under this Government?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:26): I thank the honourable member for his question. I accept the part of his question which suggests that more work needs to be done to get housing delivery approvals and development on track in New South Wales. There has never been a suggestion from me or this Government that we have hit the end of the road on reforms to planning and the housing market in this State. How do we respond to the fact that there is evidently more work that we need to do to confront the housing crisis? We build on the comprehensive suite of planning reforms and investments in direct delivery of housing and infrastructure that we have already done. That is what we are going to do to make sure that this

Government is not just approving but also constructing enough homes in New South Wales. If the premise of the question is to draw out a response from me that says, "Yes, we know there is more work to do," then the member has got it. That is recognised by this Government.

But I want to ensure that the member, the whole Parliament and the community understand that the real risk is not this Government. It recognises that there is more to do and wants to reform the planning system more and invest in delivering more housing. The real risk is the prospect of a Federal Coalition government. Michael Sukkar this week went public to say that a Federal Coalition government would cancel housing targets and cut Federal funding for States to deliver housing. That is an unbelievable risk to the work that we are doing in New South Wales, because we get that there is more to do. We have made changes to the planning system that have already delivered results. In particular, I am pleased to see the number of development applications put in to take advantage of our new affordable housing provisions. That is a fantastic good news story. Yes, we want to do more. A Federal Coalition government's policy is to do less, cut housing targets and cut funding for States to deliver housing.

I am always keen to work together on housing. We want it to be bipartisan. If the Opposition's part of the equation is to work with the Government to embrace more reform, then it is up for that. But the Opposition has to make sure that it is speaking out and defending New South Wales to say that we absolutely need support from the Commonwealth Government to deliver on our housing targets. Any prospect of that being cut is a real risk to this State meeting its housing targets.

The Hon. SCOTT FARLOW (11:29): I ask a supplementary question. The Minister spoke about the New South Wales housing target of 377,000 new homes over five years from July 2024 to June 2029, which requires 6,283 new homes per month. With only 7,214 new dwelling approvals in July and August of 2024, the Minns Government is already 5,352 new dwellings short. When does the Minister anticipate new dwelling approvals will reach the 6,283 monthly requirement, and what will the impact be in terms of Federal funding for meeting housing targets?

The PRESIDENT: That supplementary question is very close to being a new question, but I will allow it on this occasion.

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:29): I am happy to answer the supplementary question. The proposition that there is more work to do has been readily accepted. The Government has been clear that there will be a build-up in the way that housing will be delivered over the period of the accord. We anticipate that over time we will build more and more housing. It will not be a straight 6,000 new dwellings every month or 77,000 new dwellings every year. The numbers will build and escalate over the period of the accord until they peak at the right moment. The Government recognises that there is more work to do to ensure that it is on track to achieve those targets.

I accept the premise of the supplementary question: The Government must continue to advocate for the Commonwealth to bring forward the \$3 billion New Homes Bonus that will currently come online in 2029. The Treasurer has publicly called for that. I echo his concern about bringing that forward. However, this is the rub. The Treasurer and I have been clear in calling for our Federal colleagues to listen to feedback from the New South Wales Government and bring that forward. What have Opposition members done to call out Michael Sukkar and the Federal Liberals, whose literal policy is to cut that \$3 billion? Government members want the funding quickly, and we are making that case to the Commonwealth; Opposition members do not want it at all.

The PRESIDENT: Order! There are too many interjections.

The Hon. ROSE JACKSON: We are saying, "Get with us." We are trying to deliver that housing as quickly as we can. The policy of the Federal Liberal Party is to cancel the accord, cut the targets and cut the funding. The risk of that happening is a huge challenge for the New South Wales Government, and I ask members opposite to join the Government in calling that out and to support the State in confronting— [*Time expired.*]

The PRESIDENT: I welcome to the Parliament students from Blacktown Girls High School who are participating in the Legal Studies and the Legislature program conducted by the Parliamentary Education team. Welcome to this particularly robust question time.

BUSHFIRE PREPAREDNESS

The Hon. CAMERON MURPHY (11:32): My question without notice is addressed to the Minister for Regional New South Wales. Will the Minister update the House on how the New South Wales Government is preparing for the upcoming fire season?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:32): I thank the member for that very important question. The bushfire season has already commenced in New South Wales and preparations are underway to ensure we are ready and prepared across the State. As we saw over the 2019-20 season, fires devastated many communities, homes and livelihoods. I know that is still stuck in all our minds, as people are still coming back to rebuild houses and communities from that time. That is why fire preparedness is crucial to ensure we are able to mitigate risks to protect communities across regional New South Wales.

Part of my particular focus is on protecting our forestry estate. As members would be aware, New South Wales has four fire authorities: the NSW Rural Fire Service, Fire and Rescue NSW, the National Parks and Wildlife Service, and Forestry Corporation. Together, those four agencies work collaboratively to both prevent bushfires and suppress them when they do occur. Forestry Corporation manages over two million hectares of State forest. It has over 500 trained firefighters rostered on to respond to forest fires across New South Wales, 35 pieces of heavy plant equipment, four contracted aircraft and 133 drones with 180 trained pilots. Forestry Corporation has conducted forest hazard reduction burns, and has undertaken cultural burns in partnership with local Aboriginal communities. The Government is also focused on helping Aboriginal communities to develop traditional skills and to get involved in mitigating fire hazards using those skills.

Last week I had the privilege of meeting Forestry Corporation firefighters as they continued their training for this fire season. During the visit to Wauchope on the North Coast, I visited the fire control room to be briefed on the current preparation works and activity and inspect the firefighting equipment. It is a very impressive operation and the people being trained and prepared to fight fires are very impressive people. I thank the workers who are prepared to step in when fires are burning in the State. The rest of us rely on those agencies to protect us. Those people go into danger, and they are learning the necessary skills to be prepared to do that.

ENERGY SECURITY CORPORATION

The Hon. TANIA MIHAILUK (11:35): My question is directed to the Leader of the Government, and Minister for Energy. Has the Minister prepared an investment mandate for the \$1.8 billion Energy Security Corporation to provide the parameters that the corporation must adhere to in considering which clean energy technologies and renewables taxpayer money is invested in, as per section 6 of the Energy Security Corporation Act?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:36): The short answer is not yet. The longer answer is that it is coming. I will be working with the Treasurer in relation to that, and we will work through those matters together. Obviously, we are quite excited about the Energy Security Corporation and the important role it will play in the transition of our electricity system. That is a significant new spend of public money, which we take very seriously, to accelerate and support the energy transition and the decarbonisation of the electricity grid. We are not doing that because we want to; we are doing it because we have to. It must be done in order to decarbonise our economy because of climate change and rising emissions. We are also dealing with the fact that coal-fired power is withdrawing in this State over the next decade, and we must have something significant to replace it.

The Energy Security Corporation provides a way to work with the private sector to bridge the gap on some projects that are challenging to deliver but that will be incredibly important. Those include things like pumped hydro, some of the work around community batteries and the whole storage piece. People who are following this area closely, as the honourable member does, know that while we are doing well with things like solar power, the storage of electricity is becoming incredibly important. That is not just in order to use solar power when it is dark, but also to stabilise the grid over a period of time. I am happy to give an update to the House on the Energy Security Corporation. We are currently recruiting members for the board. I will be preparing the investment mandate in conjunction with the Treasurer, and that will be released in due course so that people will be able to see what we are doing.

The Hon. TANIA MIHAILUK (11:38): I ask a supplementary question. Will that investment mandate also include costings for each of the clean energy technologies and renewables that the Government might suggest for the corporation to consider?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:38): No. Investment mandates are a guidance to the organisation. Members should not be shocked to learn that a huge amount of work goes on in my department, in Treasury and across government to weigh all the different issues. What we are trying to do is pretty clear. We want the cleanest energy at the lowest price as quickly as possible. That is what the mandate will try to achieve.

KANGAROO EXPORT INDUSTRY

The Hon. SCOTT BARRETT (11:39): My question is directed to the Minister for Agriculture. Overabundant kangaroo populations can adversely affect the environment, negatively impact smaller native animals, compete with the agriculture industry and pose a serious risk to road safety. Humanely conducted commercial harvesting helps reduce these impacts while supporting a multimillion-dollar export industry. What steps is the Minister taking, in conjunction with the Minister for Industry and Trade, to address the threat posed by the Kangaroo Protection Act that is currently before the United States Senate, and which would ban all imports to the United States of any kangaroo products?

The Hon. TARA MORIARTY (Minister for Agriculture, Minister for Regional New South Wales, and Minister for Western New South Wales) (11:40): I thank the member for the question. A not-so-fun fact is that my very first car was written off when I drove into a kangaroo—or perhaps a kangaroo bounced into my car—so I am personally very aware of the issues that are caused when animal populations reach massive numbers and encroach on areas where people and vehicles are operating. I engage with the agriculture sector on kangaroos when they are present in large numbers, as I do when other animals are impacting agriculture and regional communities. Regarding the specific part of the question, I have not been lobbied about the bill that is being debated in the United States.

I am familiar with the bill because a member of this place, the Hon. Emma Hurst from the Animal Justice Party, has raised this issue, and she visited the United States as part of her campaign. However, what the United States Senate is considering about the import or use of kangaroo skins and other animal products is not something that falls within my remit. The member also asked about what discussions I may have had with the Minister for Industry and Trade on this issue. I have many discussions with the Minister, but this is not something that we have covered. Now that it has been raised by the honourable member, I will have a conversation with the Minister and other relevant colleagues about the issue. That is the appropriate thing to do if there are concerns about this issue across the communities and sectors of New South Wales. If there is any further information, I will bring it back to the member and to the House.

YOUTH POLICY

The Hon. EMILY SUVAAL (11:43): My question without notice is addressed to the Minister for Youth. Will the Minister update the House on what the New South Wales Government is doing to include the voices of youth in policymaking in New South Wales?

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (11:43): This is a fantastic opportunity to talk a little about something that is important to me and to the future of the State: How do we engage more young people in the political process? I have mentioned this before. Young people are doing it really tough right now as the cost of living is hitting them the hardest. Young people are giving up going out for entertainment or going to the movies with their friends. A lot of the stuff that is so awesome about being a young person is put under pressure by the cost-of-living crisis. The Government wants their voices to be heard on that issue and on action on climate change and housing. We are facilitating that in a number of ways, including the Youth Summit that is being held on 18 November. This is the culmination of a piece of work that we have been doing for some time to look at how young people can systematically be better engaged in government.

Thousands of young people have filled out the Government's online survey, which is not just about the issues that are important to them, but also about the ways that the Government can better hear their voices. We have been going out to festivals, shows and gatherings right across New South Wales. We are setting up stalls and doing it the old-fashioned way by holding a clipboard and saying, "Come and talk to the New South Wales Government about what you want us to be doing." That might sound a little bit old-school to some people, but it is actually a fantastic way to show up, to facilitate conversations and to be present at the places where young people are. We have been doing this en masse, and it is all coming together on 18 November with the Youth Summit. This is the culmination of that work, and it will set the agenda for the New South Wales Government going forward.

[Opposition members interjected.]

The PRESIDENT: Order!

The Hon. ROSE JACKSON: It is okay, Mr President. Opposition members clearly are not interested in engaging.

The PRESIDENT: There are too many interjections from the Opposition.

The Hon. ROSE JACKSON: I am really looking forward to this opportunity to participate with other members of the Government and a whole range of other people. It will not just be members of the Government; we are engaging with community leaders and youth advocates to be part of the conversation about what the New South Wales Government can do better to engage young people. I encourage young people to continue to be involved.

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. ROSE JACKSON: To be perfectly honest, this is why young people think politics is a joke. If they happened to jump on the webcast, which they would never do, they would see us talking over each other and behaving in this way. I am not having a go at anyone. I am not attacking anyone or inciting anything. I am just trying to talk about young people being engaged in politics, but I cannot even get someone's ear on that. [*Time expired.*]

INCOME TAX

The Hon. JOHN RUDDICK (11:46): My question is directed to the Treasurer. State governments raise only around 20 per cent of revenue in Australia, but are responsible for over half of all government spending. This means that States rely on Federal government handouts. This disconnect and financial dependency makes a mockery of our Federation. It punishes efficient States for their thrift and centralises excessive power in remote Canberra.

The Hon. Damien Tudehope: Take back income tax powers!

The Hon. JOHN RUDDICK: Thank you; that is what I was going to say. The Hon. Damien Tudehope should join the Libertarian Party. The obvious solution is to return income taxation powers to the States. This position has been occasionally floated by Federal politicians—and now also by the Leader of the Opposition—but State governments have been too timid to fund their own spending. Perhaps this is because previous State governments have lacked a Treasurer with vision and courage. Will the Treasurer be that man of vision and courage, and join the campaign to return income taxation powers to the State governments?

The Hon. DANIEL MOOKHEY (Treasurer) (11:47): I thank the member for his question. He is right that all revolutions need their champions. Overcoming apartheid needed Nelson Mandela, and the United States needed Martin Luther King, Jr to end southern segregation. The battle to end Commonwealth income tax powers also needs a champion. Alas, it is not me. I leave the field open to my good friends in the Libertarian Party. The reason is that twenty-first-century economies will not thrive with nineteenth-century tax systems. I prefer to spend my time championing the modernisation of the tax system, which will lead to higher growth, higher wages, better profits and law-abiding businesses. I intend to expend my political energy making sure that New South Wales gets its fair share of GST. A few of the points that the member made are quite right. This is an apt opportunity for all of us to recall once more how the Commonwealth got its tax powers. People forget that the Commonwealth was meant to be funded with tariffs.

Tariffs were meant to pay for the entire thing. That did not work out as expected, and that is what led the Commonwealth to establish a Federal income tax to finance the war effort in the Second World War. Those of us who are students of constitutional history will have read the Uniform Tax cases; it is something that every law student has to do. They led to the Commonwealth being able to introduce income tax. It is open to the Commonwealth to let any State introduce its own tax, but a State cannot stop the Commonwealth from levying an income tax or cause the Commonwealth to lower the State's income tax. That means that any State that tries to recover its income tax powers can only really use them to increase income taxes. I dare say that might not be the effect intended by the Libertarian Party.

I look forward to seeing the Hon. John Ruddick continue his campaign, marching in the street for the right to impose a State income tax and appearing on *Sky After Dark* to strongly argue his case—so long as he tells his supporters that, if he succeeds, they can look forward to the Libertarian Party increasing taxes.

The Hon. JOHN RUDDICK (11:50): I ask a supplementary question. The Treasurer is against the introduction of a State income tax, but payroll tax is functionally equivalent to an income tax. In both cases the tax is collected and transferred by the employer, and in both cases the tax adds to the cost of employing somebody over and above the amount that is actually paid to that person. The two taxes look superficially different, to trick the uninitiated, but their economic effects are the same. If the Treasurer is against a State income tax—which he emphatically is—is he also against the principle of a State payroll tax?

The Hon. DANIEL MOOKHEY (Treasurer) (11:51): What a fantastic supplementary question. I welcome it because it allows me to also shed light on the history of payroll tax. People forget that the payroll tax was a Commonwealth tax, introduced alongside the Uniform Tax cases. It was given to the States by Robert

Menzies in 1961 on the theory that it would lead States to increase payroll tax and, therefore, excuse the Commonwealth from the responsibility of having to levy income tax to then redistribute to the States. That is what the Menzies Government championed when it gave payroll tax powers back to the States. How did that work out? Let me tell members what happened. Rather than the States increasing the payroll tax, as Mr Menzies wanted them to do, the States cut it and shrunk the base as a result.

The Libertarian Party may well welcome that result. They may well say that it is a good thing. But it is not the solution to the problem that the Hon. John Ruddick is articulating, because if his problem is what we call vertical fiscal imbalance—which is the Commonwealth collecting the taxes and the States providing the services—the better way forward would be to fix the GST system, to shift GST distribution towards a per capita basis. I will leave this tax debate to answering further questions that I am sure I will get from the Libertarian Party. But I will continue to point out that the best solution available to the federation when it comes to vertical fiscal imbalance is to repair the busted GST system that sees New South Wales ship more and more money to States like Victoria, Western Australia, South Australia and others. Every State would be better off if we shifted to a per-capita system and the Commonwealth used the balance of its payments to make up for the weaker States.

The Hon. CHRIS RATH (11:53): I ask a second supplementary question. I am enjoying this as much as the Treasurer. Will the Treasurer elucidate on how New South Wales is being ripped off by the Federal Government? In particular, what is the Treasurer's response to the well-founded view that federation is a conspiracy against New South Wales?

The Hon. DANIEL MOOKHEY (Treasurer) (11:53): I welcome the second supplementary question from the Opposition Whip. It is a fine opportunity, close to 16 months into my tenure, to reflect on some learnings and some of the contributions that I have heard during that time. Prior to becoming Treasurer I acknowledged the legitimacy of the federation. But recently I have had cause to reconsider. I cannot help but note the departing words of one of my predecessors, former Treasurer Perrottet, when he left the Parliament just over a month ago. He said that one of the worst decisions ever made by this Parliament was passing a law to create Victoria. I agree with him. I am not necessarily pledging to take back Victoria. I am not sure anyone wants to welcome Victoria.

But no matter what happens, where goes New South Wales so goes the Commonwealth, and where we lead, other States follow. I have told the fine people of Western Australia that when they cash their latest GST cheque they should head down to Cottesloe Beach, crack open a bottle of champagne and propose a toast to the people of New South Wales who are funding their services. I am prepared to do a deal with Western Australia that with every new infrastructure project it opens, a sign is put up that reads, "Paid for by the taxpayers of New South Wales". I hope that I have bipartisan support for that proposition. I will put up the first sign and I will invite the Opposition Whip to come along with me.

SCHEYVILLE TRAINING GROUND UNIT SITE

The Hon. WES FANG (11:55): My question is directed to the Minister for the Environment, and Minister for Heritage. In budget estimates the executive director of Heritage NSW confirmed that the commandant's house at Scheyville is on the State Heritage register and that the Heritage Act requires the landholder to maintain the windows and roof watertight, and to ensure there are no safety hazards et cetera. I understand Heritage NSW has now issued a breach notice to the landholder, the NSW National Parks and Wildlife Service, due to the poor condition of the commandant's house, with parts of the building about to fall down. Why did the NSW National Parks and Wildlife Service fail to adequately maintain a heritage building and what steps is the Minister taking to ensure that it complies swiftly and fully with the breach notice issued by Heritage NSW?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:56): That is an interesting question. The point is that the system is working. NSW National Parks and Wildlife Service has done the wrong thing and Heritage NSW is holding it to account. That is a good thing. We say in this place all the time that everyone is expected to follow the rules and to fulfil their obligations in the way that they are supposed to. I know that there have been long and extensive discussions with National Parks and people who are interested in the Scheyville property. Those discussions continue, and my understanding is that they have been productive and conducted in good faith. Until the Hon. Wes Fang raised it, I was not aware that Heritage NSW had issued a breach notice. But I am very glad that they did. National Parks will comply and I encourage it to do so as quickly as possible, as it is required to do.

The Hon. WES FANG (11:57): I ask a supplementary question. I ask the Minister to elucidate her answer. Now that she is aware of the contravention notice issued by Heritage NSW, and noting that there is no agreement in place with the body that is seeking to maintain the heritage area, will the Minister guarantee that NSW National Parks and Wildlife Service will ensure that the building does not fall down and that work is completed as soon as possible to protect that heritage building?

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (11:58): I think I covered this in my answer. The short answer is yes, of course, NSW National Parks and Wildlife Service needs to look after the house and to make repairs to ensure that it is not further damaged. That should be undertaken as quickly as possible. There are broader issues around the ongoing and long-term management of that. Conversations will continue about that. I did not quite understand the rest of the question about guaranteeing what is in and what is out. But the point is that people should follow the rules. Things that are on the State Heritage register are really important. It is a rare thing to have a special place put on the State Heritage register. When it is, then it is given protections to make sure that it is preserved into the future. All State Heritage register listed properties, whether they are in the public or private sphere, should be properly maintained.

The discussions about future management by national parks, and those things I indicated in my previous answer, basically continue. I know that a couple of individuals are very active and interested in that. I believe that there is good dialogue and ongoing discussions about that, and they will continue. But the point here, which I will say again, is that people should do the right thing. I am really pleased that Heritage NSW has held National Parks to account. I will not defend people doing wrong things, particularly in my own agencies. Everyone knows what the rules are. They should follow them. I am pleased that Heritage NSW has taken action. I will raise with National Parks how quickly it is done. I anticipate that National Parks will do that as quickly as it possibly can.

GOVERNMENT PROCUREMENT POLICY

The Hon. Dr SARAH KAINE (12:00): My question without notice is addressed to the Minister for Domestic Manufacturing and Government Procurement. Will the Minister update the House on how the Government's procurement reforms are supporting local jobs and local businesses, including small businesses?

The Hon. COURTNEY HOUSSOS (Minister for Finance, Minister for Domestic Manufacturing and Government Procurement, and Minister for Natural Resources) (12:00): I thank the honourable member for the question. In response to another question today, I mentioned her op-ed and the procurement inquiry report that came out on Friday. I encourage members to take the time to read the 13 findings and the 22 recommendations. I wrote to the Standing Committee on Social Issues and asked the Hon. Dr Sarah Kaine to undertake and lead the inquiry. I did that because this is a detailed and complex area of policy. It is a completely new approach that this Government is taking to government procurement and it is one that is borne out in that report. I thank the Hon. Dr Sarah Kaine for the report as well as the committee as a whole.

It is Small Business Month. Indeed, our State's 840,000 small businesses make up 98 per cent of the businesses in New South Wales, employing 1.6 million people. Each year the New South Wales Government spends over \$9 billion on goods and services obtained directly from 46,000 small and medium-sized businesses. Indeed, last year I issued a ministerial direction that brought into effect part of the Government's election commitment to facilitate more engagement and more support from our departments and agencies with small and medium-sized businesses. In doing that, I directed government departments to increase the threshold from \$150,000 to \$250,000. The second part of the direction was to reduce the red tape and requirements on small and medium-sized businesses to streamline them and allow them to have better access to our tendering processes. We know that small businesses and medium-sized businesses want access to government procurement dollars. I quote the NSW Business CEO, Dan Hunter, who said:

... when it comes to winning government contracts - they just need a level playing field.

That is certainly what this Government is seeking to achieve. Small Business Month is a great time for us to remind small businesses of the opportunities and to remind our government departments and agencies about the ability to do that. I mention an event I attended last week, for the Hon. Dr Sarah Kaine, which was facilitated at this Parliament between New South Wales Government procurement officers and a number of sustainable textiles providers. Those are the kinds of conversations the Government wants to happen so that we can better spend our government procurement dollars to support small and medium-sized business.

HUNTER VALLEY HYDROGEN ENERGY HUB

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (12:03): I will respond very briefly to the question asked by the Hon. Rod Roberts. I confirm that the grant awarded to Origin has not been paid because the conditions attached to that were that Origin came to a financial close in relation to the project. Given that Origin has withdrawn from that, no money has been handed over, so there is no money to recover.

We are at the end of question time. I thank the Hon. Daniel Mookhey for his sterling efforts as the acting deputy leader. The time for questions has expired. If members have further questions I suggest they place them on notice.

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

The Hon. DAMIEN TUDEHOPE: I move:

That the House take note of answers to questions.

HEALTH INSURANCE LEVIES

The Hon. DAMIEN TUDEHOPE (12:04): The Treasurer was entertaining today. He gave us all the history lessons around the ability of New South Wales not to impose income tax. He gave us a ringing endorsement of the fact that he as the Treasurer would never introduce an income tax in New South Wales. He articulated the rationale for that, which is that it would not preclude the Commonwealth from continuing to raise income taxes. If the Libertarian Party has its way, it would impose a second income tax, most of which would not be embraced by the electorate. That leads me to say this: The New South Wales Treasurer just loves new taxes. He will dress up his new tax and call it a cost recovery measure, which is the new way he describes the tax he will impose on health funds in New South Wales.

That new tax will result in premiums for private health insurance increasing and, potentially, will force people out of the private health insurance market, thereby increasing pressure on the public hospital system. The Treasurer was unable to reach an agreement with private health insurers to ensure that there is a greater contribution to the cost recovery measure, as he calls it, for using public hospital facilities for privately insured patients. Today the Treasurer showed a reluctance to increase income tax but he is prepared to increase contributions from health funds which will be passed on to the premium payers and taxpayers of New South Wales.

I have to say that the Treasurer presented an articulate argument that a previous Government, when Mike Baird was Premier, was able to enter into negotiations that resulted in private health insurers increasing their contributions. That step was taken at the time, but the Treasurer's proposal represents an 85 per cent increase in the current amount levied. Today presented an opportunity for the Treasurer to admit he is breaching his election promise not to increase taxes, but he squibbed on it and wants to name it something else. That is duplicitous. [*Time expired.*]

HUNTER VALLEY HYDROGEN ENERGY HUB

The Hon. ROD ROBERTS (12:07): I take note of the answer given by the Minister for Energy regarding Origin's withdrawal from the Hunter Valley Hydrogen Hub. Just as Origin Energy is accountable to its shareholders, this Government is accountable to its shareholders—the taxpayers. We must now review the economic assumptions that underpin green hydrogen projects in New South Wales. Does the Government fear it will arrive at the same conclusion as Origin if it reviews these projects? Only this month, Harvard researchers published a study concluding that most estimates under-report the true cost of green hydrogen for end-user sectors, with storage and transport costs not adequately accounted for.

The study concluded that green hydrogen is prohibitively expensive, and alternatives need to be considered. For example, in Australia green hydrogen costs 200 per cent to 500 per cent more than natural gas. Recently a leading green hydrogen manufacturer of electrolyzers, Green Hydrogen Systems, announced a 40 per cent to 50 per cent cost-cutting restructure due to a product development delay and slower than expected commercial demand. Origin's cancellation also coincides with other failed projects around the world. The Hy Stor Energy project in the United States was 20 times larger than the Hunter Valley project, and not even its larger economies of scale could prevent cancellation. The New South Wales Government announced last year that Origin Energy would annually produce 4,400 tonnes of green hydrogen. That figure has now become zero. Green hydrogen simply does not work, not now or into the foreseeable future. Twiggy Forrest has walked away and Origin Energy has now walked away. When will the New South Wales Government do likewise and stop wasting taxpayer money on producing hot air?

HEALTH INSURANCE LEVIES

The Hon. CAMERON MURPHY (12:09): I take note of the answer given by the Treasurer in relation to the question over the way that four of our private health insurers are not paying their fair share. This is a critical issue. The Leader of the Opposition is just plain wrong about it because it is not going to increase premiums; the health insurers are doing that all by themselves. In his answer the Treasurer said that they have gone to consumers this year and said that they want to increase premiums by more than 6 per cent. When they are making record profits year after year, that additional 6 per cent is just going to executive bonuses.

In many ways most consumers in New South Wales think that most private health insurance is junk. Ever-increasing numbers of people are reducing their insurance from gold to silver to hospital-only because there

is not much benefit in it. The very least these insurers can do is pay their fair share so that the State can invest the more than \$100 million a year that it is missing out on because the insurers failed to pay the bills that they agreed to pay to the health system. The State can use that money to pay for nurses, upgrades to hospitals and health care for private and public patients, who will get the benefit. It is important that we do not lose sight of the fact that the insurers agreed to do that; they are simply not honouring that agreement.

I find it quite extraordinary that the Opposition is changing its tune. When it was in government, that is exactly what it proposed. The legislation that will be brought before the House is similar to what the Coalition wanted to do when it was in government a decade ago. Those opposite proposed it then for the right reasons and did not think of it as a tax, but now they seem opposed to it. They are running around saying that it is a broken promise and some sort of tax increase when it is not. It is a measure to ensure that private health insurers pay their fair share like they agreed to.

KANGAROO EXPORT INDUSTRY

The Hon. SCOTT BARRETT (12:12): I take note of an answer on kangaroo harvesting. In the shadow of a massive threat to the industry from the United States, we effectively heard that doing anything about it was outside the remit of the Minister. I take note of the answer not as someone who enjoys shooting kangaroos or celebrates the killing of them, nor am I advocating on behalf of people who do. In fact, the people whom I have spoken to about this issue and the people that I am hearing from would be opposed to it. Farmers who are actively managing kangaroo populations on their properties during good times will wade into the middle of a bog to pull a dying kangaroo out of the mud during a drought. I have spoken to cockies who have totally destocked yet keep their waters operational in order to give thirsty roos a drink because they do not want to see them suffer. That is one of the reasons why I and others—including the environment department, respected ecologists and Indigenous leaders—see the practical necessity of kangaroo management programs.

In addition to the suffering, the swollen population of kangaroos across much of western New South Wales in particular is having negative effects on the ecosystems of those areas. They compete with the agriculture industries that feed us and clothe us, they damage infrastructure and, of course, thousands get hit by vehicles, which is unsafe for our road users. The Department of Climate Change, Energy, the Environment and Water has previously stated:

While harvesting these iconic animals can be confronting, a regulated and evidence-based approach to commercial harvesting helps reduce the number of kangaroos that suffer in drought. It also lessens the need for land managers to use control methods with poor welfare outcomes.

Given that, of course it makes sense to support and advocate for the industry, but the introduction of the legislation, laughably named the Kangaroo Protection Bill, into the United States Senate should be a clear magnet for support and advocacy and a clear trigger that the Minister and the Government need to act. However, instead of that, all we heard in the response was what other members in this place have done to oppose the industry, rather than what the current Minister would do to support it.

Yesterday the Minister opposed the idea of advocating for a mine that the Government "strongly" supports. Today members heard that advocating for the industries and the environment of western New South Wales is outside of the remit of the Minister. Then, on the other hand, another Minister told Liberal Party members that they need to reach out to their Federal members on policy matters. It is clear that there is an unwillingness on the other side to do the same thing. They talk about what they might do but they do not take any action. If the job of the Government and the Ministers is not to advocate for and support the industries of regional New South Wales, then I am not sure that they know what they are there for at all.

KANGAROO EXPORT INDUSTRY

The Hon. EMMA HURST (12:15): I take note of the answer given by the Minister on the United States bill to stop the importation of kangaroo body parts. First of all, I highlight the gross exaggeration of the number of kangaroos. I invite the honourable member who asked the question to actually have a look at the report of a recent upper House inquiry into kangaroo management numbers and the fact that the data is so poor. We know that the commercial kangaroo killing industry kills the largest males first, which disturbs natural selection going forward.

Here is what is really interesting. Many years ago the United States banned the importation of koala body parts. If it had not done that at the time then koalas would probably now be extinct. Now the United States is looking at a bill into the issue, and it is not just the United States. There are bills throughout Europe and all around the world looking into it. Major brands, including Nike and Puma, are also turning their backs on the kangaroo killing industry; they do not want anything to do with it. Let me tell you why. In Australia we are bashing joeys' heads in. That is actually in the code of practice. That is what is required: to bash their heads in.

The Minister was right when she said that I went to the United States and met with multiple Republicans and Democrats. Every single one of them was absolutely horrified by what we are doing in Australia. If we throw our support behind the National Party's position to support this industry, we are actually damaging Australia's reputation. They compared it with bashing in the heads of baby harp seals in Canada and whaling in Japan. It is easy to see why. The problem with this industry is that it is on a much larger scale in comparison with what is happening to baby seals. It is absolutely grotesque. There is footage of what is happening in the middle of the night to kangaroos and their joeys and it is horrific. Joeys are being taken out of their mothers' pouches and their heads are literally bashed in by being swung against cars or being hit by the handle of a gun.

There will be major pushback globally on this and it will continue. The Nats will be happy to let kangaroos, which are on our coat of arms, go extinct alongside koalas. We cannot support this massive industry. It is killing so many kangaroos. Again, I encourage the honourable member to read that report and the criticisms that came out of the inquiry. Ms Cate Faehrmann, who chaired the inquiry, went into it thinking that we do need to shoot kangaroos, but she came out of it saying, "You know what? I was wrong. There is something very bad going on here." Again, I recommend that the honourable member read that report.

HEALTH INSURANCE LEVIES

GOVERNMENT PROCUREMENT POLICY

The Hon. Dr SARAH KAINE (12:18): I take note of a couple of issues that were raised in questions and answers today, the first being the questions to the Treasurer about private health insurance. One of the things that has been mentioned by the Treasurer in other forums but not necessarily highlighted in the House yet is that there are 44 funds, as I understand it, that have done the right thing and said that they will pay the correct and appropriate bed rates. The recalcitrant funds are the big five for-profit funds, which are the organisations that can most afford to pay the rates. The big corporates do not seem to be learning from what is happening in other areas of the corporate world—for example, the backlash against Woolworths and Coles and their behaviour regarding price gouging and the artificial inflation of prices. The private health insurers would be wise to learn a lesson from that in terms of consumer sentiment against big corporates.

The Hon. Mark Latham: And Qantas.

The Hon. Dr SARAH KAINE: And Qantas. I acknowledge that interjection. I also take note of the answer given by the Minister for Finance on Government procurement policy and her call-out to the event that we held in Parliament last week, which brought together local small businesses in the textiles sector. I give a shout-out to those businesses. They are Citizen Wolf, which manufactures in Marrickville; Buckle, which manufactures belts in St Peters; a carpet manufacturer from North Sydney; Geofabrics, which makes fabric for construction from recycled plastic bottles; and The Social Outfit. They were in the Jubilee Room with procurement representatives from most of the government agencies to see how they could consider breaking down large contracts for uniforms and other textiles to support those local businesses. It was a great event. I am not suggesting that contracts will be signed next week, but it allowed for those businesses to have direct contact with the people in government agencies who are responsible for procuring textile products. It is important that those conversations continue and that we support local businesses not just in that policy area but also by facilitating those practical discussions. I thank the Minister for attending the event and the organisations for being involved.

HOUSING SUPPLY

The Hon. SCOTT FARLOW (12:21): I take note of an answer given by the Minister for Housing. Morris Iemma and his Government have had an influence on this Government under Chris Minns. The Iemma Government's slogan was always "more to do but heading in the right direction". It seems that when it comes to housing targets, it is more to do but heading in the wrong direction. The Government talks a big game about delivering more homes, but the approval and commencement figures are going one way, and that is south. There has been an 11.3 per cent drop in the past 17 months under the Minns Government compared to what the figures were under the former Coalition Government. Looking at the year-on-year figures, there was a drop in approval figures of more than 19 per cent in the past financial year.

When the Government signs up to a housing accord for 377,000 new homes over the next five years—an accord that the Premier signed up to with the Prime Minister, with no advice from Planning as to whether it could be achieved or not—it needs to ensure that it is leveraged in reality and can actually be delivered. That is not the case. The approvals are never 100 per cent completed and are years from being delivered. Everything is heading south with this Government. There is no reality in which those figures—the \$3 billion New Homes Bonus that is sitting in the Federal kitty—are realised. The Federal Coalition housing spokesperson, Michael Sukkar, is right to say that we need to look at reality.

In talking about Federal funding, which, on those statistics, will never be reached, the Government should join with the Opposition and say, "We need to ensure that we do not sign up to dud deals with the Federal Government that have funding into the future that will not be realised." That is what the Government should have done at the National Cabinet meeting in August last year. Government members should have said that up-front, rather than looking at the figures and saying, "We are not going to meet the targets. We'd better start asking for the money now." They should have done that from the beginning. They need to get with reality. At this stage, the State Government is nowhere near meeting its targets.

The Government has spent a long time drawing circles on maps, but new homes are not being delivered. New commencements or approvals are not coming through the pipeline. The industry is suffering and more companies are going to the wall each and every day. The industry is crying out, and all it is met with are more taxes and charges from this Government, which makes it harder to deliver more homes. It is time that the Government got with reality and came up with a plan to deliver more homes rather than just drawing circles on a map.

RACING NSW WORKPLACE SURVEILLANCE

The Hon. MARK LATHAM (12:24): I take note of the answer given by the Attorney General to question on notice No. 2733 concerning the Racing NSW policy of constantly surveilling staff through workplace cameras, web-traffic monitoring and even geographic traffic. The surveillance policy is set out in a document that I have tabled at committee level. At various times, all Racing NSW staff have had their web traffic checked—a shocking breach of workers' rights—and no worker has been told about it. It is a breach of the New South Wales Workplace Surveillance Act 2005, which requires staff notification of a surveillance policy and surveillance practices. In question on notice No. 2733, I asked the Minister responsible, the Attorney General, about that. Incredibly, he replied:

The employment of staff at Racing NSW, including conditions, is a matter for that organisation. The use of workplace surveillance is an industrial relations matter between an employer and its employees.

The highest law officer in New South Wales wants to pretend that one of the laws for which he is responsible does not exist. Why would the Labor Government allow the rights of workers to be so illegally ignored? Why would Labor pretend that the Workplace Surveillance Act does not exist? Labor today is not a party that stands up for workers' rights; it represents the elites. In this case, it is protecting the cronyism of the CEO of Racing NSW. Premier Minns cannot praise the guy highly enough, while his Attorney General, racing Minister and Minister for Industrial Relations do nothing to protect the workers that are shockingly abused at Racing NSW by bullying, abuse, harassment, covert surveillance, under-award conditions and a complete absence of trade union membership. Why is that? Unfortunately, in enacting the Thoroughbred Racing Act 1996, the Parliament created Frankenstein's monster—a CEO who thinks he is above the law and the powers of this Parliament.

The Hon. Emma Hurst has said that Racing NSW is a "lawless organisation" because it is accountable to no-one. I can point to 20 illegalities and acts of serious wrongdoing by Racing NSW. It is this House's public duty to bring Racing NSW to account to help enforce the laws that this Labor Government pretends do not exist. Mr V'landys has built up a powerful, impressive network of political and media cronies to protect him at any cost. It would be a mistake for anyone in the Liberal and National parties to cave in to the protection racket as badly as Labor has. While, due to a statutory oversight, Racing NSW is not answerable to the ICAC, the actions of this Parliament are, especially if it were to corrupt its own rules, standing orders and laws. We do not want the "whatever it takes" ethos of Sussex Street to be the default position of Australia's oldest parliamentary chamber through an attempt to do whatever it takes to protect Peter V'landys. We have a new Sussex Street representative as notorious as the ones 15 years ago. I strongly advise the Coalition not to join in.

BUSHFIRE PREPAREDNESS

The Hon. STEPHEN LAWRENCE (12:27): I take note of the answer given by the Minister for Regional New South Wales about the commencement of the fire season. There are a number of simple and practical steps that residents of New South Wales can and should take to ease their risk of an adverse incident during the fire season. It is particularly important in regional New South Wales. They can download the Hazards Near Me app, which is very easy to do. I have done it. They can go to the RFS website, rfs.nsw.gov.au, where they can download a lot of information on preparing their property and their family for bushfire season. They can download a bushfire survival plan. During the bushfire season, they can also listen to their local radio station or call the RFS bushfire information line to get information that they need.

I encourage residents to take a number of other simple steps to lower their fire risk, including trimming overhanging trees and shrubs; mowing grass, removing the cuttings and having a cleared area around their home; removing material that can burn around their home, such as doormats, wood piles, mulch and flammable liquids; clearing and removing all debris and leaves from gutters surrounding their home; and preparing a sturdy hose or

hoses that will reach around their home. The RFS has predicted that we will have a warm summer. Indeed, firefighters have already responded to more than 1,600 bush and grass fires across the State since 1 July. The statutory bushfire danger period runs from 1 October 2024 to 31 March 2025. I again encourage all residents to consider taking those simple steps to reduce their risk during this particularly dangerous period.

HOUSING SUPPLY

The Hon. RACHEL MERTON (12:29): I take note of the answer given by the Hon. Rose Jackson in relation to the housing crisis in New South Wales. I acknowledge the comments and concerns registered by my colleague the Hon. Scott Farlow, the shadow Minister for Housing. The housing crisis has reached critical levels in New South Wales, and we are presented with the failure of the Minns Labor Government to address it. The latest figures from the Australian Bureau of Statistics reveal new residential commencements in New South Wales plummeted by 19.7 per cent in the year to June 2024. That is a nearly 20 per cent reduction, which represents the worst figures since 2012. Calling that a downturn does not do those statistics justice; it is a collapse in housing construction. While we recognise the housing crisis and the need to act on it, there are record numbers of liquidations of building companies in New South Wales.

I signal an issue that I think has gone unnoticed: migration levels. We know one million people have been welcomed to Australia over the past two years, but only 300,000 homes have been built. The mismatch is pretty obvious. Federal Labor is setting the migration intake, and most of them are coming to New South Wales. Housing accords and agreements are being reached and then New South Wales Ministers are walking out the door saying, "Hang on a moment—we should have gotten some money for infrastructure." New South Wales is in a poor state in terms of how we do housing. I note that my leader, the Hon. Mark Speakman, called on Chris Minns in April to lobby the Federal Government to reduce Australia's migration arrivals. He said that if he was the Premier he would be on the phone to Canberra. I understand that the phone has been connected at Copacabana. The Prime Minister is available to speak on it. Let's pick up the phone.

ENERGY SECURITY CORPORATION

The Hon. TANIA MIHAILUK (12:32): I take note of the answer to the question I put to the Hon. Penny Sharpe about the Energy Security Corporation. I specifically asked her whether she had finalised investment mandates in response to the Act that was passed in June this year. The Act essentially establishes a \$1.8 billion Energy Security Corporation, which the Government always indicated it would set up. When it finally sets up the corporation's board, its first action will be to respond to the Government's investment mandate. That is why I asked whether the Minister had finalised it. The Minister indicated that she is working with the Treasurer on it, as she naturally would be because that is required by the Act. It is a significant document, because it will list the various clean energy technologies that the Government wants to support. It also will discuss the making of different capital investments and matters of risk and return, which is why I asked my supplementary question regarding the costs associated with what the Government wants the corporation to invest in.

The investment mandate will also clarify precisely which technologies the Government does not want to invest in. We already know from the debate on the bill that Government members do not want to invest in nuclear power. They do not want to invest in nuclear technology or any carbon capture and storage. I imagine a whole other list of technologies that they do not want to invest in will be indicated in the investment mandate. It is important for the community to know exactly where their taxpayer money will be directed over the next few years. It is a very significant corporation. I will be watching closely to see what Government members come up with as to where they want taxpayer money invested. We have seen certain clean energy technologies fail around the world, particularly in the United Kingdom. It is critical that New South Wales does not follow that path.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. ROSE JACKSON (Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast) (12:34): Members saw two of the most common choreographed set plays of State politics in question time today. One of those is New South Wales politicians attacking the other States and the Commonwealth. We love to do that. I am personally a very proud Australian. I love being in New South Wales Parliament. It is an honour. The only thing that would make me support some kind of secession movement would be going from the Commonwealth of Australia to the republic of New South Wales.

The other choreographed set play was fancy footwork on language. Members saw it play out in the discussion around the changes that the Treasurer and Government are proposing to the bed rate for private health insurers. When exactly the same concept is proposed by one side of politics, it is called cost recovery. When literally the same concept, word for word, is proposed by the other side, it is a tax increase. That is the kind of boring, semantic game playing that people hate from politicians. The proposition is simple and straightforward.

Yes, the Government is proposing to increase the contribution made by private health insurers to use essential public health services such as public hospital beds. Yes, that is the proposition. That is it straight up and down. It does not matter to anyone whatever layers of language are put on that. We are unapologetic in saying to private health insurers that when they are using public hospital beds, they should pay to use that essential service.

It is interesting to me that the immediate switch that is flipped by those very few but massively profitable big private health insurers, as mentioned by many members, is, "We're just going to have to pass the whole thing on as premiums." Why do they care? If it is indeed the case that consumers will just be slugged with the entire cost as premiums, presumably the big health insurers will not care because it will not hit their bottom line. But, of course, that is not true. They are not able to do that, because they are regulated. What will come under the spotlight is the fact that their profit margins and executive bonuses are increasing. The truth is now coming out. The reason they are so hysterical about it is that they will not be allowed to pass that cost on. There will be a consumer backlash anyway, as the Hon. Dr Sarah Kaine raised. In fact, the truth is coming out and their profit and executive bonuses will be put under the spotlight. It is completely fair that the Government would want to ensure that those big private companies pay their way when they use public health facilities.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that the motion be agreed to.

Motion agreed to.

Deferred Answers

COMPANION ANIMALS AND PUBLIC TRANSPORT

In reply to **the Hon. EMMA HURST** (25 September 2024).

The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism)—The Minister provided the following response:

I am advised:

I understand that many passengers are pet owners and would benefit from taking their pets on public transport. Those benefits must be carefully balanced against the needs of passengers with disability and transport workers. This is a complex issue requiring careful consideration.

Transport for NSW is developing a plan to consult around options for a limited trial, including with transport workers and organisations who represent people with disability.

COMPANION ANIMALS AND PUBLIC TRANSPORT

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The Hon. JOHN GRAHAM (Special Minister of State, Minister for Roads, Minister for the Arts, Minister for Music and the Night-time Economy, and Minister for Jobs and Tourism)—The Minister provided the following response:

I am advised:

Any trials will commence after consultation occurs. Consultation with Sydney Trains, NSW Trains, and Sydney Metro and external stakeholders is necessary to inform what parameters should be in place for any trials, including which lines or services may be most appropriate to trial changes to the policy of allowing pets on board.

Written Answers to Supplementary Questions

TRANSPORT FOR NSW EVENT POLICY

In reply to **the Hon. NATALIE WARD** (16 October 2024).

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage)—The Minister provided the following response:

I am advised:

On 10 December 2023, the Sydney Gateway Project Director learnt of the incident the previous evening.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): I shall now leave the chair. The House will resume at 2.00 p.m.

Matter of Public Importance

PROTEST LEGISLATION

Debate resumed from an earlier hour.

Ms ABIGAIL BOYD (14:01): I make a contribution to debate on the matter of public importance. The fact that it began some years ago in this place does not mean that it is not impacting people on a daily basis. Let us not forget that only a couple of weeks ago the current Labor Government brought in a regulation that expands the operation of protest laws. We have the most draconian anti-protest laws in the country and, according to many commentators, they are some of the most draconian anti-protest laws in the world. Yet the Minister stood up on behalf of the Government and the Hon. Chris Rath stood up on behalf of the Opposition to tell us, quite passionately, that they agree with the right to lawful protest.

It is worth looking at how we got to this point of so-called lawful protest and how it does not really fit in with what we mean when we talk about the fundamental democratic right to protest. I looked at the dictionary because I feel that there has been a bit of fancy footwork around those words. "Protest" means to express disagreement, disapproval or opposition. "Express" means to convey, in words or by gestures and conduct. "Convey" means to communicate or make known.

I love to describe New South Wales's protest laws by reference to an episode of *Arrested Development*. I may have talked about it a couple of years ago when we moved our disallowance motion against the regulations that first came out. There is an episode where Lindsay decides that she wants to protest, but the laws are such that she effectively gets on a truck and is driven with a bunch of protesters out to the middle of the desert. They are put in a cage with their signs, and they protest with nobody watching. That is the definition of a lawful protest in that context. Obviously, how can we protest if the person to whom we are protesting cannot hear it, be bothered by it or be told about it? That is not a protest.

New South Wales now has a system of laws where people can only protest at a particular time, with approval from the police. They can only do it on certain topics, they can only hold certain types of signs and they can only do it in a particular way. It is all incredibly tightly regulated by the State. To still call that protest is farcical. At its core, protest is the ability to convey disapproval, in this case of the government of the day, and sometimes of governments from other countries. It is expressing disapproval. In order to do that, people need to be able to freely come together to rally, take to the streets and make a nuisance of themselves, quite frankly.

What we have in New South Wales is the opposite of support for the right to protest. To say, "We support protest unless it is unlawful," when it is the government of the day that has created the laws that make it impossible to properly protest, is an absolute absurdity. The Minister talked about the history. It is interesting to reflect on how we got here, because it explains why Labor is failing its own historical underpinnings. Labor has forgotten that it was born out of class struggle. It has abandoned entirely its worker roots and its understanding of what it meant to take it to the bosses in order to get the rights, progress and improvements that society needed.

The history of all existing human society hitherto is the history of class struggles. That is the foundational insight that the left have put forward, and it distinguishes us from mere meek liberalism. The central fact of social evolution is that it is born of class struggle. "Struggle" is the operative word, not simply request, petition or letter-writing, although they play a part in the movement. At the end of the day, politics is about power, and the powerful have innumerable avenues to exercise their coercive might over the people. What the people have is the numbers. History has shown that significant social change rarely happens without disruptive action, which is precisely why the State is seeking to prevent it.

In the time available, I want to talk about that concept of power. When we talk about protest, there is a lot of talk about inconvenience. It seems to come from people who have never experienced powerlessness. They have never been in a situation where they have written a letter that has been ignored, where they have done all the polite things they needed to do and have been ignored, and where they are absolutely desperate for a particular change. Those are the people who feel strongly enough to protest. Without inconvenience, protest probably does not mean very much.

We brought a couple of Standing Order 52 motions in 2022 when I was trying to disallow the regulations. It was fascinating to see the way the documents came in. The Hon. Natalie Ward wrote an op-ed about how she was stuck in traffic. It appears—and I said at the time—that the entire anti-protest regime came about because the Hon. Natalie Ward was stuck in traffic. It was interesting to look at the op-ed, which came out in the SO 52, where she talked very clearly about being on the Spit Bridge and how everything came to a halt without warning. The protesters were back. "Sabotaging innocent commuters is not peaceful protest" was the proposed heading for the op-ed. It was even more interesting when Mark Speakman was asked for comment on the op-ed and responded only "too shrill". I have not done the work of looking at whether the eventual op-ed was less shrill or not, but I find it pretty offensive that it was referred to as shrill in the first place.

What was really telling in those SO 52 documents was the discussion around peaceful protests. I note that the Hon. Chris Rath talked about how the Liberal Party supports peaceful protest. There was a great bit from Mark Speakman, who on Friday 1 April 2022 wrote, "Should we put the boot into Labor for trying to sabotage the laws

with a so-called peaceful protests carve-out?" He then went on with a bunch of talking points about how Labor would basically gut the whole purpose of the laws if any sort of peaceful protest exception was included. That is what the Liberal Party was doing when it first introduced those laws in 2022—it was deliberately trying to get rid of peaceful protests. To now say that it was something different is a little disingenuous, to say the least.

I am proud to be in a party that has stood against those draconian laws for a good few years now. The now Senator David Shoebridge was here in the Chamber with me as we moved disallowance upon disallowance and stood against the passing of those laws. That Thursday, when it was rushed through in a hurry, was his last day in the Parliament, and we decided we would filibuster the bill because it was so horrendous. He ended up staying all night—well after his valedictory party—and on the Friday he came back to see the job done because this is core work for The Greens. Today we put up a bill in the lower House to remove those laws, and we will keep trying because the situation is absurd.

The Hon. NATALIE WARD (14:11): I was not going to speak in this debate, but while I was inclined to agree with Ms Abigail Boyd when it comes to *Arrested Development*—I am quite a fan of the series and of George-Michael—on a matter as serious as this, I must respond and correct some of the mistruths that have been stated in this place. The fact is that we brought legislation to this place and came back to sit on a Friday because lives were being put at risk.

I note that there has just been a monumental crash on the Sydney Harbour Bridge and multiple lives have been lost. When people held up the Sydney Harbour Bridge and people's lives were at risk because someone was supergluing themselves to an item and holding up everybody else—and I think the honourable member might go back and check my comments in *Hansard* at the time—we were concerned about it, and I saw it for myself. It was not, as she has phrased it, a trite comment that I was held up. I saw police having to step in front of four lanes of traffic on both sides of the bridge to physically take people out of the way, putting their own lives at risk. That is not acceptable.

In Australia we have the right to free speech. In Australia we also have a responsibility that comes with that right to free speech, and that is to do it lawfully. Our laws were about protesting lawfully. In a community where people have rights and responsibilities, we must always weigh those up. That is what that legislation was about, and it was supported by this House for very good reason. I do not disagree with members' right to say what they want to say. But I do disagree with mischaracterising the measures we brought to the House to ensure that ports kept operating, so people could receive vital supplies; and to ensure that the Sydney Harbour Bridge and Spit Bridge could remain open, so that people going to work, job interviews, school exams and medical appointments could go about their day, while medical service officers, police officers and other emergency services officers could attend emergencies. It was not for pre-planned and premeditated so-called protests designed to interrupt and disrupt everybody else.

There are other ways to do it. There are beautiful parks all around our city. There are beautiful spaces where people can protest lawfully and make their voices heard. We now have the benefit of social media to get to the people who are not even there. We can hear people outside when there are protests organised in Macquarie Street. But we owe a responsibility to our emergency services officers, police officers and everyone else who tries to keep us safe—despite ourselves—to pay them the courtesy of telling them when, outside of emergencies, we would like to interrupt them and call on their services to keep people safe. There is nothing wrong with that. I stand by that legislation, and far be it from me, as an officer of the court, to criticise the court's decisions. Nonetheless, that is what it is. It is reflected in *Hansard* that the intention always was to ensure that lawful protests could take place. But the community expected a balance from us as a government at the time, which was ultimately supported by members of the then Opposition who are now in government.

It is disingenuous of Ms Abigail Boyd to try to put her own spin on another member's intention. She may giggle and think it is funny, but to put spin on another member's intentions in this place is disingenuous. The laws were brought about to deal with the genuine problem at the time of people putting others' lives at risk. That is not okay, and I will always stand by that. There are lots of sensible places to make one's message heard in a big country. Protesting at one of those places might mean the actual message gets through rather than just the interruption and disruption, which are so annoying to everybody, particularly the emergency services. The veracity of the message might have more credibility if the protest was conducted in a sensible, peaceful and lawful way.

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I call the Hon. Cameron Murphy.

The Hon. Wes Fang: I wasn't going to speak, but—

The Hon. CAMERON MURPHY (14:16): I acknowledge that interjection from the Deputy Opposition Whip, but I was always going to speak in this debate. As I have said from my first speech in this place until today, this is such an important issue because the right to peaceful protest in New South Wales is under threat. I start by

responding to some of the things that were just said by the Deputy Leader of the Liberal Party. The whole point of a peaceful protest is to be loud, to be in your face and to disrupt people for a short time to get a message across. The fact that people are being told to do it somewhere else—in a park somewhere, where nobody can see it, it is not disruptive and it is out of the way—puts the right to peaceful protest under threat. The attitude that people should go away and be out of sight and out of mind cuts across the very purpose of protest. One of the most important rights in a liberal democracy is the fundamental right to express dissatisfaction with decisions that the government is making.

There are a lot of misconceptions about that right and the way it operates under the law in New South Wales. I hear media commentators, members of Parliament and other people saying all the time that a protest is unauthorised when the police reject a form 1 application. That is just misconceived. I will be clear about this: A form 1 application is not a process for seeking authorisation for a protest to occur. It is a process where the protest can occur regardless. Putting in a form 1 provides notification to the police of how many people will attend, where it is being held, where it is going from and to, and who the organiser is. It is about assisting the police to respond, so they know about it and can ensure that there is public safety and enough police officers available. In return for providing that information, people effectively gain immunity whereby the police cannot charge people who attend that protest with certain summary offences around the obstruction of traffic and the like. None of that relates in any way to whether the protest is lawful or unlawful, authorised or unauthorised. Everyone has a legal right to protest in this State and this country. It is just the case that without the form 1 the protest does not have the benefit of that immunity. It also means that the police will not necessarily be in a position to provide enough officers to ensure public safety.

However, there has been an increasing creep of legislation that seeks to severely limit or curtail the places where protests can occur and severely restrict people, in terms of punishment, for engaging in non-violent disruptive protest. Extreme and severe bail restrictions have been placed on individuals who attend protests and break the law. I opposed the anti-protest laws that were passed in the previous term of Parliament. I will continue to advocate for the repeal of those laws. I have not yet been able to convince my party of that, but one day I hope to.

Members have suggested that because of the costs associated with policing regular protests, those protests should somehow be banned or outlawed. There is an implied constitutional right to freedom of political communication, and therefore any legislation that seeks to ban protests is likely to be unconstitutional. The High Court must apply a test to first determine if the law places a burden on that implied right, and then consider whether that burden is unreasonable. On the face of it, it seems that charging protesters for turning up and expressing their right to freedom of political communication—whether they are opposing a war overseas, a government decision or other legislation—would be an unreasonable burden.

Protests can be distinguished from music festivals, sporting groups and other such gatherings because those events sell tickets and are in the business of making profit. In those cases, it is not an issue of freedom of political expression. There have been peaceful protests on a weekly basis for the past year from people expressing their concern about the humanitarian crisis in Gaza and calling for sanctions, war crimes investigations and other legitimate causes that they are entitled to protest about. If people break the law, they will be investigated in relation to those offences. However, the ability to peacefully protest should be protected, and it should be something that we are proud to support in a liberal democracy.

I am conscious that many other members wish to speak to this matter, so I conclude with something I have said before that I consider worth repeating. Anti-protest legislation does not minimise the incidence of violent, hateful or reckless protests. Instead, it silences peaceful activists across the entire political spectrum. It prioritises convenience for commuters and passers-by who are temporarily delayed by peaceful assemblies over the fundamentally important right to political expression. I understand that no-one wants to be made late going to work or be unable to go about their day because of a protest action. But in a democracy such as ours, occasional inconvenience is the price we pay for freedom and free public political discourse. That is the bargain that we must be willing to make.

The Hon. ROD ROBERTS (14:23): I contribute to discussion on the matter of public importance, and state for the record that I also support the right of Australians to participate in lawful, peaceful assemblies and freely communicate their political views, regardless of whether I agree with them. As members of Parliament, we must remember that we are extremely privileged and honoured to have this platform to express our views and opinions. Members of the public do not have the same ability. They have two courses of action to make their voices heard: One is at the ballot box, and the other is to protest. I understand that. But there is a difference between protesting under a lawful regime and unlawful and illegal protesting.

Madam Deputy President, you said—I am paraphrasing, and I do not wish to misquote you—something along of the lines of, "You have to understand the frustration that these people suffer." Many years ago,

I experienced great suffering at the hands of a former New South Wales Government. I wrote letters in the hope of eventually getting a meeting with my local member. Members who have been around for a long time will remember that lady, who was probably the worst local member in the history of Goulburn: Mrs Peta Seaton. I got no satisfaction from a meeting with my local member, but did I go and glue myself to the Hume Highway? Did I go and chain myself to one of the locomotives at Goulburn railway station? No, I did not. I exercised my right to freedom of speech in other, more lawful ways.

One of the great benefits of being an Independent in this Parliament is that I get to say the quiet bit out loud. Government and Opposition members are often shackled by the ideological position or factions of their parties. I have the freedom to simply state the facts and speak my mind. On the issue of policing the Palestine protests in New South Wales, I lay out a few facts. The NSW Police Force is currently facing a staffing crisis. Members will recall that I have been predicting—not talking about but predicting—this shortage for years. It was easy to see it coming, but no-one listened to me or did anything about it. The hardworking men and women on the front line are stretched and many are suffering from the effects of burnout. That is evident in the number of officers who are still availing themselves of sick leave.

Police officers are a finite and reduced resource, and they are required to be present at protests to provide safety for the participants and members of the public. Police officers deployed to a protest must be taken from other duties or recalled on what would normally be a rest day. With the current state of the Police Force, that goes a long way to reducing its capabilities moving forward. If things do not change, I foresee that first response times will be affected. Are we, in this Parliament, willing to let it get to that point?

I am already on record saying, but say again, that the Palestine protests should have been nipped in the bud on 9 October 2023. That protest should have been shut down as an unlawful assembly, and the protesters should never have been allowed to reach the forecourt of the Opera House. Law-breaking protesters should have hit the dock and a warning should have been given to anyone who wanted to follow their reckless example. I lay the blame on the executive of the NSW Police Force, not the coppers on the front line. The unwillingness of the executive to restrain that original protest only emboldened the protest organisers and led us to where we are today.

Let us be honest with one another. The chants of protesters in Sydney each week for a year have had zero effect on a populace living 14,000 kilometres away. They have changed absolutely nothing. The only effects have been felt locally and have all been negative. Millions of dollars have been spent on policing the protests. Streets have been closed. Members of the public have been inconvenienced. Businesses have lost customers, and the social fabric of our city has been torn apart. Importantly, no lives in Israel or Palestine have been altered, improved or saved by the words of Sydneysiders. It has been a total waste of time and money. I publicly affirm the statements already made by the Premier. He said:

When you've got someone putting in an application every seven days for 51 weeks to march through Sydney streets, this is costing millions of dollars, and I think taxpayers should be in a position to be able to say we would prefer that money spent on roadside breath testing, domestic violence investigations, knife crimes ...

I support what the Premier said. He also said:

... it's my view that police should be able to be in a position to ... deny a request for a march due to stretched police resourcing.

Basically, the Premier's position was that enough is enough. They have had their protest, and it has been going for 51 weeks. Nobody has said they cannot protest, but how long do we allow this to continue?

The Hon. Cameron Murphy: Forever, or until the war ends.

The Hon. ROD ROBERTS: This is what your leader said, not me. The Hon. Cameron Murphy should take it up in the caucus room. He probably already has but has not got any results. This is what the average person thinks, not what the extreme left of the Labor Party thinks.

Ms Sue Higginson: The "extreme".

The Hon. ROD ROBERTS: Or what The Greens think, for that matter, but we should keep this civilised. After 51 weeks, the protesters are not saying anything new. They said the same message in the first three or four weeks. They should be allowed to do that. I am not saying do not protest, but not after 51 weeks when we are talking about a finite resource. I wish the Treasurer was sitting here because I am sure he would be nodding when I say that we could save him millions of dollars out of his budget when the protesters are told, "You've had your fun, but your time in the sun is over. No more protests unless you are willing to kick the tin for it." We are only talking about them, not somebody else who wants to protest next weekend over something else. We are talking about the constant use of resources for the same issue time after time. The protesters are saying nothing new. They have made their views known, and it has not altered the lives of people living in Israel or Palestine or changed the course of the war. It is time to end the disruption to our city and end the detrimental effect on our police. It is time to shut it down.

The Hon. ANTHONY D'ADAM (14:31): I am a dissenter by temperament, and I assert my right to disagree with the Premier on this matter. Dissent is a foundation of our democracy. There is no progress without dissent. Anyone who is familiar with the history of democracy understands that the process is often messy, disorderly and sometimes unlawful. In fact, trade unionism was once illegal in this State. Without the willingness to defy unjust laws, many great injustices would have persisted for much longer. I have attended all but three of the weekly protests organised by the Palestine Action Group. Like other participants, I have a right to voice my anger, dismay and sorrow at the horror we are witnessing in Gaza and has now extended to Lebanon.

I will continue to assert my right to protest for as long as the horror and injustice persist. I do not think that is unreasonable. Whether I do this alone or in concert with others is irrelevant. The right to express my opinion in that form should be protected as a basic right in a democracy. The Hon. Chris Rath says that these are violent protests, but I see no evidence of that. While people who assemble in those gatherings might have views that many, and perhaps the majority, of people in this country disagree with, they should still be able to express those views. Criminalising belief is not what we should be about in a democracy. The Hon. Chris Rath says that we should not allow people to support terrorism.

The Hon. Chris Rath: Hamas.

The Hon. ANTHONY D'ADAM: I agree, but there is a difference between material support and people expressing a conviction or a belief. We should make that distinction in a democracy. Obviously, providing material support to terrorism should be unlawful, but our laws should definitely not criminalise someone who expresses some sympathy for a cause in Palestine or Lebanon. There is currently a tendency in politics to embrace what I describe as "the politics of the moment". That is where, rather than focusing on the long-term consequences, we get drawn into a process of trying to win the media cycle each day by saying things or advocating for things that may get currency in the moment. However, we should step back and look at the consequences of those positions.

When we take those views and apply them in a different set of contexts, which might occur when those who are exercising their rights are more aligned to our own political philosophy, we realise that we are creating a situation where we are all the lesser, and where our politics and democracy are diminished. That is something that we should reject. We should be advancing arguments on the basis of values, not on the convenience of the political moment. The stakes are too high and too great. I also note the question of culture. There is a culture of intolerance that is emerging in our politics. I have conveyed on record the approach that I have seen police take at these protests. The extent to which police resources have been employed is unnecessary. I do not blame the police. They are making operational decisions in a culture that is set by the leadership.

The Hon. Wes Fang: Your leadership.

The Hon. ANTHONY D'ADAM: The culture and approach have been broadly the same under both Labor and the Liberals. I fear that those decisions are underpinned by an assessment that the community rallying around Palestine is somehow more dangerous, more criminal and more likely to be violent. Those assumptions underpin the decisions around the deployment of police in these contexts. There is something profoundly unsettling about it, and it is certainly not conducive to community cohesion. We need to be mindful of it. The police should be there to protect our rights, and one of our fundamental rights is the right to protest. The police should be doing that in a way that is facilitative and not obstructive.

With regard to concerns and advocacy around flags and symbols, there are laws that have been on the statute book for a long time that give the police powers to manage all manner of situations. When we start to insert increasing criminalisation into the statutory arrangements around the display of flags or photographs, we add a level of complexity to the challenges that are faced by police who are there in the moment, and who are trying to manage the protest in a way that is conducive to facilitating people's rights. We should not be moving in that direction. We should be reluctant to put more obstacles in the way of people expressing their rights and views by engaging in protests.

Dr AMANDA COHN (14:38): I thank my colleague Ms Sue Higginson for raising this important topic today. So many of the rights and freedoms that we enjoy in New South Wales and Australia today are thanks to protest movements. Later today we will be debating important legislation that will improve the lives of LGBTQIA+ people. The first Mardi Gras in 1978 was not a parade or a party, but a protest. It was met with police brutality and mass arrests. Our now heralded and beloved 78ers put their lives and liberties on the line for the rights of LGBTQIA+ people, and we have all benefited from that sacrifice. The founder of the Australian Greens, Bob Brown, famously came out as a gay man on television when homosexuality was still criminalised in Tasmania. Brave activists in New South Wales campaigning for the decriminalisation of homosexual acts, which was finally won in 1984, turned themselves in for arrest in protest against those bad laws.

Good people have always protested against bad laws. Now, in the very same State where the mardi gras is now seen as a global celebration of pride and diversity, we see the same Government that marches in the parade cracking down on those same rights to protest that got us here. People in New South Wales are having their basic rights eroded, and they are being told to sit back and watch it happen without making a fuss. Our State, shamefully, has the most restrictive anti-protest laws in the country and successive governments continue to expand these—a legacy being continued by Premier Chris Minns. With their anti-protest laws, successive New South Wales governments have expanded police powers, leading to increased surveillance, intimidation and violence against peaceful demonstrators. Our anti-protest laws are disproportionate and a violation of international human rights law, and they weaken accountability. The right to peacefully protest is an essential pillar of our democracy and a hard-won freedom that generations of people have fought for.

When I studied in Chile, I joined my friends and colleagues in student protests demanding public education. At those protests, we faced military police and tear gas as we fought for basic rights. Back then, I felt a strange sense of something like homesickness, believing that back home we understood the value of peaceful protest in a functional democracy. Now, with environmental activists being jailed for blocking roads, with the right to assemble—such as for anti-war and pro-peace rallies—being encroached on, I do not know whether the civil rights wins in our past would have even been possible under today's oppressive anti-protest laws. I worry for our futures in a State with such a shortsighted government and opposition. Whether it be health workers striking for our health, disenfranchised young people demanding climate action, or the fearless LGBTQIA+ community demanding equality, all of these movements have and continue to rely on protest to effect change.

NSW Labor's growing intolerance of dissent is pushing us towards an authoritarianism that The Greens—a party with grassroots participatory democracy as one of its founding pillars—cannot abide. Just last month, nurses and midwives blocked the front of Parliament House to demand fair pay and safe staffing levels—the implementation of the promises that the Government took to the election. Instead of action, NSW Labor threatens their right to strike and to impose even more restrictive measures. Young people—the very people who inherit the consequences of the poor decisions being made today—are being criminalised for their activism. Young people have always been and will continue to be at the forefront of change. While the Government pursues raising the minimum age for access to social media while refusing to raise the age of criminal responsibility or lower the voting age, young people are increasingly taking to the streets as a means for their voices to be heard.

The Youth Week theme for 2024 is "Express! Empower! Get Loud!" I encourage young people to continue to get loud. I am proud to be a member of a political party that values and defends the right to protest and speaks out against the critical issue of protest and policing in this State. This is for the benefit of all people, the environment and the future of our democracy. To the wonderful, brave protesters who are at the Parliament today or watching online, the people who insist that you use the proper channels to change things are usually in control of the proper channels, and they are very confident it will not work. It is wonderful to see solidarity today between groups advocating for a broad range of causes, from environmentalists to peace activists and unionists. Keep up the good work. I am looking forward to a refreshing dip in the Port of Newcastle with many of you next month.

The Hon. STEPHEN LAWRENCE (14:42): I make a brief contribution to this discussion and thank Ms Sue Higginson for bringing this important matter to the House. The right to protest is one of those things that is upheld and preserved not merely by incantation of it, not merely by claiming support of it. Indeed, section 125 of the constitution of the Soviet Union—no longer in existence, of course—recognised freedom of speech, freedom of the press and freedom of assembly. Yet such rights did not exist there. The right to protest is not unlimited, though. It is subject to reasonable limitation, like all rights.

In my mind, upon considering the question of a reasonable limitation on the right to protest, there is a major distinction between a small group of people blocking a major road or port, or something of that nature, and a mass protest that does the same thing not as the direct object of the protest but as a consequence of its size and the need to proceed in a public way. The latter, in a liberal society, must be allowed except in very extraordinary circumstances. The 1978 mardi gras, referred to earlier by Dr Amanda Cohn, shows what can occur when the executive decides to try to stop a mass protest it does not like.

The former, however, I am convinced, is properly the subject of the criminal law. Realistically, we cannot have a situation where a city can be shut down and the only applicable offence is a relatively minor traffic offence—the same as that which would apply to a drunk person standing on a road. In saying that, in a liberal democracy we must always carefully consider the motives of political protesters and bear keenly in mind that the conscientious objector may be viewed as a criminal in the present day and as a hero down the track. Indeed, as someone who has acted for many protesters, I know the criminal law commands courts to have close regard to their motives in sentencing.

One very real consideration that arises in the context of the Opposition stridently demanding that the Government legislate to adopt a user-pays model for policing protest—which seems to me to be a virtual absurdity

in a free and democratic society—is how any such law would interact with the implied freedom first recognised by the High Court in 1992. But far more important than what the letter of the law says is the spirit of liberal democracy: a government system where all actors are expected to act with restraint and due regard for liberal values and rights, including the right to protest. That means a system where police respect and facilitate the right to protest, as they have for the past 12 months, and where members of Parliament weigh such rights carefully before they pass laws.

Having worked in the law in a variety of countries that are not liberal democracies, I have seen how the law is really just a shell. It can be twisted any which way. It is the shared values of a community that are far more important. I see a real threat to the right to protest in these liberal demands for laws to enforce a user-pays system. But more importantly I see a real risk of violence, like occurred in 1978, if an approach is taken that mass protests, like those that have been occurring every week in Sydney for the past year, can be deemed as non-authorised and then stopped, presumably through the application of road offences and the like. That is exactly what happened in 1978. Our liberal values and proper respect for human rights can, and I am confident will, avert such a situation.

Ms CATE FAEHRMANN (14:46): On behalf of The Greens, I speak in support of this matter of public importance and thank my colleague Ms Sue Higginson for bringing it to the House. We have a rich history of protest in this country. The Aboriginal Tent Embassy is the longest continuous protest for Indigenous land rights in the world. New South Wales has been the stage for incredibly significant protests that have fundamentally changed society, from the first Aboriginal Day of Mourning in 1938, to the Freedom Rides in 1965 and the enduring legacy of the 78ers. Yet, since around 2002, those rights have been steadily eroded. The Human Rights Law Centre released an excellent report this year titled *Protest in Peril: Our Shrinking Democracy*. It carried out a jurisdictional comparison of the right to protest across Australia. The report noted a number of observable trends that have emerged over the past 20 years and said that the State of greatest concern is New South Wales, which has enacted the highest number of anti-protest laws in the past 20 years.

Conversely, the Australian Capital Territory stands out for its commendable efforts in protecting the fundamental right to protest. The ACT has a Human Rights Act that guarantees the right to peaceful assembly and association. This year it has legislated a human right to a healthy environment—something that environmentalists in New South Wales at this point in time can only dream of. New South Wales, on the other hand, does not have a Human Rights Act. It has no express right to protest. Rather, the right to protest in New South Wales comes from the limited freedom of political communication under the Australian Constitution. Yet, shamefully, horrifyingly, both the former Coalition Government and now this Labor Government have eroded that right, bit by bit.

My colleague Ms Sue Higginson spoke about the long and proud history of protesting in this State, the incredible impact those protests had and the tangible difference they made, at the time and still today. For as long as there is government inaction on environmental protection or on people's wages and conditions, or government action that is unconscionable, people will come together to demand better from their democratically elected government. Protest is one of the fundamental pillars of our democracy and must be fiercely protected at every turn.

The Greens have been standing with the community, both on the streets and in this place, to do just that. We stood with the community, giving voice to them, in this House and the other one, when the Roads and Crimes Legislation Amendment Bill was introduced by the former Coalition Government in 2022. That bill was later found by the Supreme Court of New South Wales to be unconstitutional. Less than 30 hours after it was introduced for the first time, it had passed both Houses and commenced operation. That law passed, despite calls from a coalition of almost 40 civil society organisations to scrap it as it seriously undermined the ability of the people of this State to exercise their right to protest. But it passed, with the support of both sides of this House and despite The Greens' opposition. As I said at the time, that bill was a "draconian, anti-protest piece of legislation" that had been rushed, disgracefully, through both Houses of Parliament in just 24 hours.

I listened to supporters of the bill from both sides of the Chamber talk about the terrible disruption that climate protesters had caused over the previous few days and weeks. There was no mention of the terrible disruption and deaths caused by the Black Summer bushfires that this State had recently experienced, which were fuelled by climate change. There was no mention of the extreme disruption for the Northern Rivers community—for the second time in one month—because of climate-change-fuelled floods that were absolutely unprecedented. Now, in recent weeks, the Premier has said that he is considering charging protesters and the organisers of protests—people who are protesting for an end to the genocide taking place in Gaza, where 50,000 people have been killed, including so many children—for the cost of policing those protests. Once again, the Premier of this State is dutifully dancing to the tune of a Daily Telegraph campaign.

In March 2003, hundreds of thousands of people turned out in Hyde Park to protest the Howard Government's decision to join George Bush and Tony Blair in their phoney war. I was one of them. If the police

had decided to charge that incredibly broad alliance of organisations who got that rally together that day, it may never have happened. In 2004, I headed up the Nature Conservation Council and I worked with a broad cross-section of organisations to hold a rally to get the Howard Government to ratify the Kyoto Protocol. The next year that rally grew into Walk Against Warming. That year, 100,000 people turned out across the country to protest the lack of action on climate change. We held it again the next year, and the next. That probably would not have happened if we had been lumped with probably hundreds of thousands of dollars in police costs—like music festivals are in this State.

What about the mass student strike protests—climate protests—organised by school students and attended by school students in the tens of thousands? Imagine charging that rally. People take to the streets to voice anger and frustration at governments' inaction, like the lack of action on climate change or saving forests or giving nurses the pay and conditions that they deserve. People also take to the streets over the actions of governments, like supporting the invasion of another country or being silent over the killing of women, men, children and babies by another country. When governments still do not listen, people do more to get them to listen. They disrupt coal trains, or lock onto forest machinery to stop precious, irreplaceable biodiversity and threatened species habitat being lost forever. It is incredible what people do to make the world a better place—to literally save the planet.

Unfortunately, this Government is no longer listening to the voices of people on the streets. The Premier is not listening to people rising up in frustration and anger and demanding more caring, thoughtful, respectful, compassionate leadership. He is not even listening to his own MPs or the police union. After announcing his idea of user-pays policing, the police union came out publicly to deny any suggestion that patrolling the weekly pro-Palestine protests is making it difficult to respond to or investigate crime across the State. The Police Association of New South Wales president said that the vast majority of officers patrolling those protests were performing user-pays or cancelled rest day shifts, which pay penalty rates and do not take police away from their usual operational duties.

The Premier has also faced backlash from within his own Government about his draconian moves. At this point, I mention the contribution of the Hon. Anthony D'Adam, who has spoken out bravely and publicly against what he calls the Premier's "incredibly dangerous position" on protests. *The Guardian* says it has spoken to Labor MPs who expressed concerns about the Premier's comments that police should have the power to reject a public assembly application, based on costs. Some have said that Government MPs are "absolutely" afraid to speak up about Palestine—what a shocking state of affairs. Today we have heard the other side of Labor in this House saying absolutely absurd things about the behaviour of protesters who are trying to defend forests.

The Hon. Tara Moriarty claimed this morning that protesters who chained themselves to forest machinery were putting forestry workers' lives at risk. What on earth is the Minister talking about? It may be true that protesters are putting their own lives at risk. As I said, they feel compelled to do so because of the urgency of the crisis. They can see what is being lost that will never, ever be replaced. They are protesting because of the urgent need to protect nature, the climate, the planet and threatened species habitat. They are protesting to make sure the greater glider and the koala do not become extinct. But how on earth does someone chaining themselves to an immobile bulldozer put forestry workers' lives at risk?

The rhetoric in this place when anyone tries to defend climate or nature is absolutely extraordinary and hysterical. The Knitting Nannas, who were in the public gallery earlier today in support of my colleague Ms Sue Higginson, have perhaps put it best. They said, "Various governments have chosen to enact anti-democratic laws which are designed to scare us off, but they are not as scary as climate breakdown. But still we are forced to choose: Do we follow our conscience and take action for life on Earth, thereby risking disproportionate bail conditions, heavy financial penalties and even prison, or not act and watch life on our beautiful planet become extinct? We choose action. We won't be silenced. We have a right to peaceful protest." Go the Knitting Nannas. Go everybody who protests peacefully for nature, for the planet, for climate, for nurses, for Gaza. Thank you for protesting. The Greens will do everything in this place to defend your right to protest.

Ms SUE HIGGINSON (14:56): In reply: I thank everybody who contributed to this very important debate about a matter of public importance: Minister Moriarty, the Hon. Chris Rath, the Hon. Mark Banasiak, Ms Abigail Boyd, the Hon. Natalie Ward, the Hon. Cameron Murphy, the Hon. Rod Roberts, the Hon. Anthony D'Adam, Dr Amanda Cohn, the Hon. Stephen Lawrence, and my colleague Ms Cate Faehrmann. I also acknowledge, with the greatest thanks, those who were in the gallery today: the New South Wales Council for Civil Liberties, the Maritime Union of Australia, the Palestine Action Group, the North East Forest Alliance, Extinction Rebellion, Rising Tide, Students for Palestine at the University of Sydney, the First Mardi Gras Inc., a 78er, the Knitting Nannas, and many individuals who support those organisations and the right to protest.

It is a little frustrating—and I think my colleague Ms Abigail Boyd pointed to this—that there is an infatuation and a serious focus on lawful protest versus unlawful protest. In no uncertain terms, they are two very different things. That is really important. The call in relation to non-violent civil disobedience is for the fair,

reasonable and just treatment of those individuals who take selfless, courageous action of exercising a trust in democracy that, if they breach a small law of trespass of some sort in a peaceful, Gandhian manner—in a non-violent way—they will be treated fairly and with reasonable restraint by the State. That is what is spoken about when we talk about the treatment of those who engage in non-violent civil disobedience.

I acknowledge the Hon. Stephen Lawrence, who clearly has more expertise than others in this House about the criminal law. The motivation and the criminality of an individual's behaviour is of paramount consideration. The courts have put on the record that we must understand and deal with those motivations as instances of political objection and moral conscientious objection, and that the way we treat those individuals has to be somewhat different to the way we deal with those who display other types of criminal behaviour.

It is the case—and people have articulated it with power and with passion—that our democracy is in a dangerous situation right now because of the laws that have been passed by this place. Today marked a line in the sand in this State. I refer, in particular, to those incredible civil society organisations that stood outside this place and said, "It is time to repeal the anti-protest laws. Let's rid our books of those laws." It is time to ensure that no peaceful, non-violent participant in acts of civil disobedience, who trusted our democracy, ever has to go to jail or be dealt with in unfair and harsh manner. It is time to finally consider the path of enshrining in law the right to protest in this State, like in the other States of this country. We are at that point.

Let's stop the intolerance. Not only is it dangerous; it is holding us back. It is holding back the culture, the participation, the colour and the vibrancy of what this State could be if we build the complexity and the wonder of a democracy that is healthy and functioning in its best possible way. We do that by facilitating dissent, by listening and by seeing the diversity of views that our communities hold. We do not just see it on election day; we see it every single day of the year. With that I thank the House for its indulgence today and the members for their contributions to this matter of public importance. I particularly thank the Leader of the Government, who agreed to have a discussion about this coming on today.

Discussion concluded.

Bills

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Second Reading Speech

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (15:02): I move:

That this bill be now read a second time.

The New South Wales Government is pleased to introduce to this place the Equality Legislation Amendment (LGBTIQA+) Bill 2023, on behalf of Mr Alex Greenwich. At the outset, I recognise the work of Mr Greenwich on this bill and thank him for working closely with the Government on amendments to his original bill, which were agreed to in the other place. The bill seeks to modernise laws and advance equality for LGBTIQ+ people in New South Wales. It will make New South Wales a more inclusive, safe and supportive home for our LGBTIQ+ community.

Earlier this year, the equality bill was referred to the Legislative Assembly Committee on Community Services for review. The committee report noted the polarised nature of the submissions received, with stakeholders either completely supporting or completely opposing the equality bill. The New South Wales Government has carefully reviewed the opinions expressed through that committee process and considers that the equality bill as amended strikes the right balance between protecting and supporting the LGBTIQ+ community and respecting the diverse beliefs of our broad New South Wales community.

I turn now to the detail of bill. Schedule 1 to the equality bill amends the Births, Deaths and Marriages Registration Act 1995 to remove the requirement for trans and gender diverse people to undergo surgery in order to update the sex on their birth certificate. New South Wales is the last jurisdiction in Australia that continues to impose a requirement for surgery. Not all trans and gender diverse people want to undergo surgery. The current requirements in the Births, Deaths and Marriages Registration Act 1995 limit access to identity documents that align with the lived identity of trans and gender diverse people. The discrepancy between a person's gender expression and their identity documents can lead to discrimination, stigma or other problems when applying for a job or accessing government services where the production of a birth certificate is required.

Under schedule 1 to the equality bill, a person aged 18 and over will be able to change their registered sex through an administrative process without the need for surgery or medical treatment. An application must be accompanied by a statutory declaration from the applicant and a supporting statement from an adult who has known the applicant for 12 months. Parents will have the ability to apply to change the registered sex of a child

under 18. An application must be accompanied by a statement from a qualified counsellor who has provided counselling to the child.

If there is a dispute between parents about changing a child's registered sex, a parent will be able to apply to the District Court for an order that the child's registered sex be changed, with decisions made in the best interests of the child. That is consistent with the existing mechanism for disputed change of name applications under the Births, Deaths and Marriages Registration Act. A child will be unable to initiate their own court application if both parents object to a change of sex application. That is consistent with the longstanding principle that persons under 18 lack legal capacity to conduct and be bound by the outcome of legal proceedings. Applicants will be required to identify a sex descriptor of male, female, non-binary, non-specified or another descriptor prescribed by the regulations. If an applicant also seeks to change their name, a separate change of name application must be made and must comply with the requirements in part 5 of the Births, Deaths and Marriages Registration Act.

A person will be unable to change their registered sex if they are a restricted person—such as an inmate, a parolee, a person subject to a supervision order or a forensic patient—unless they have the written approval of a supervising authority to make the application. I want to be very clear about the reasons for the provisions that apply to restricted persons. The amendments have been inserted for consistency with existing provisions in the Births, Deaths and Marriages Registration Act 1995 that relate to a restricted person, which includes a person in custody, changing their name.

Currently for people in custody to apply to change their name, they have to get approval from a supervising authority to do so. Those provisions are set out in division 3 of part 5 of the Act. There is an existing penalty of five penalty units, or \$550, if a restricted person makes an application to change their name without that approval. The provisions in the equality bill that apply to restricted persons changing their sex descriptors mirror the provisions that apply already in relation to a name change. That is why they are there. They have been inserted for consistency with existing processes.

I also make it very clear that requiring consistency between the process for a restricted person to change their name and the process for a restricted person to change their sex descriptor is not a new issue that has just been identified or that responds to any concerns expressed in the debate yesterday about transgender people in correctional facilities. The New South Wales Government flagged the issue in its submission to the inquiry on the equality bill in April. The position adopted in the equality bill in relation to restricted persons is also similar to processes that exist in Victoria and Western Australia.

Schedule 2 amends the Children and Young Persons (Care and Protection) Act 1998 to extend the existing principles to be considered when making a decision about a child or young person's care to include the child's gender identity and/or variations of sex characteristics. An amendment will also be made to make it clear that approval of special medical treatment by the NSW Civil and Administrative Tribunal is not required when a court—such as the Federal Circuit and Family Court—has already approved the treatment. That amendment will reduce court duplication.

Schedule 3 will amend section 7 of the Crimes (Domestic and Personal Violence) Act 2007, which contains the definition of intimidation. Specifically, intimidation currently includes, under subsection (1) (a), conduct amounting to harassment or molestation of the person. The bill will add a note that provides that an example of conduct that may amount to harassment of a person, for the purposes of that definition, includes outing a person. Outing is known to be a form of harmful conduct used against members of the LGBTQ+ community, and it can result in potential safety risks for victims. It is also conduct that has been seen in circumstances of domestic and family violence to enable perpetrators to exert coercion and domination over their victims. Outing a person is defined as intentionally disclosing, without the person's consent, their sexual orientation, gender history, that they have a variation of sex characteristics, that they live with HIV or that they are or have been a sex worker. "Gender history" is in turn defined to mean the sex recorded at birth for the person if it is different to the sex that person identifies with, lives in or seeks to live in.

This amendment will have impacts across key legislation, particularly that which responds to domestic and family violence. This is because the definition of "intimidation" that this bill amends is cross-referenced in a range of other provisions. Conduct that is outing will be reflected in those provisions as a form of intimidation. Firstly, such conduct will be part of "domestic abuse", as intimidation is a form of domestic abuse under section 6A (2) (f) of the Act. Secondly, fear of such conduct will be able to form a ground to make an apprehended violence order [AVO] under section 16 and section 19 of the Act because fear of conduct that is intimidation is a ground to make an AVO. To be clear, there is no change to the thresholds for making an AVO. That is, the court would need to be satisfied that the fear of the conduct was on reasonable grounds, and the court would need to be satisfied that the conduct was sufficient to warrant the making of the order. Additionally, if an AVO is made, conduct that is intimidation is taken to be prohibited by that AVO under section 36 (b) of the Act.

Thirdly, this conduct would also be covered by the offence of intimidation under section 13 of the Crimes (Domestic and Personal Violence) Act 2007, which applies where such conduct is done with the intention to cause physical or mental harm. Finally, intimidation is listed as a form of "abusive behaviour" under section 54F (1) (a) of the Crimes Act 1900. This provision is one of the elements needed for the coercive control offence under section 54D of the Crimes Act, so the bill will make clear that outing can form part of coercive control.

Schedule 4 will amend the Crimes (Sentencing Procedure) Act 1999 to clarify that the aggravating factor in sentencing that applies to crimes motivated by hatred for or prejudice against a particular class of people includes hatred of or prejudice against people who are trans, gender diverse or intersex. Section 21A (2) (h) states that an aggravating factor that may be taken into account in determining an appropriate sentence includes that "the offence was motivated by hatred for, or prejudice against, a group of people to which the offender believed the victim belonged (such as people of a particular religion, racial or ethnic origin, language, sexual orientation or age, or having a particular disability)". Schedule 4 expands section 21A (2) (h) to explicitly include trans, gender diverse or intersex people.

Schedule 6 amends section 16 of the Mental Health Act 2007 to clarify that a person is not a mentally ill person or a mentally disordered person merely because the person expresses, or refuses or fails to express, a particular gender identity or gender expression. This adds to an existing list of expressions or conduct. The current list includes where a person expresses political beliefs, religious beliefs, philosophy, sexual preference or sexual orientation; where a person engages in political activity, religious activity, sexual activity or promiscuity, immoral or illegal conduct, or antisocial behaviour; that the person has a disability; or that the person has taken alcohol or any other drug. It is absolutely appropriate that gender identity be added to that list. As the Government has said all along—and I particularly note the words of the Attorney General—being LGBTIQ+ does not mean that one is wrong, unwell or in need of fixing. To suggest otherwise is deeply offensive and is a view that should be consigned to history—and in this bill, it will be.

Schedule 7 amends the Summary Offences Act 1988 to repeal section 15, which creates the offence of living on the earnings of sex work. This is an outdated offence. The offence applies where a person knowingly lives wholly or in part on the earnings of prostitution of another person, and it presumes that a person who is over 18 years of age and lives with a sex worker with no visible lawful means of support is taken to have committed the offence, unless they prove other lawful means of support. In the context of sex work being decriminalised—it is not illegal to be a sex worker—this offence makes little sense. It is no longer justified that a person who lives with a sex worker and is supported, even in part, by the money earned through that lawful work may be considered guilty of a criminal offence.

The shadow Attorney General in the other place noted that the offence is intended to only capture individuals who are associated with the business of prostitution, not those who may simply be living with and supported by a sex worker. That interpretation is outdated. This offence can be traced to 1908, when it contained similar elements. This is an offence from over 100 years ago, and attitudes towards sex work have changed significantly over time. This offence arose when sex work was illegal, and it therefore sought to criminalise the proceeds of illegal activity. As sex work is no longer illegal, the core purpose of this offence is no longer relevant. Repealing this offence will not bring about pimping and other exploitative behaviour.

The offence under section 15A of the Summary Offences Act is being retained. This offence criminalises the use of coercion or undue influence to either cause an act of prostitution or to force a person to surrender the proceeds of prostitution. Section 15A therefore seeks to address pimping and exploitative behaviour and provide for the protection of sex workers and their ability to earn money through their lawful enterprise. There are also a range of other offences on the statute book related to exploitative conduct. These include the offence under section 91B of the Crimes Act, which makes it an offence to use fraud, violence, threat or abuse of authority, or to use any drug et cetera, to procure, entice or lead away any person for the purposes of prostitution; and sexual servitude offences in part 3, division 10A of the Crimes Act, which criminalises where a person is subjected to conditions under which they are not free to cease sexual services by use of threat or force.

Almost every other State and Territory in Australia has removed offences equivalent to the section 15 offence. There is no need for it to remain on the books in modern New South Wales. The New South Wales Government also recognises that similar concerns have been expressed about other offences in part 3 of the Summary Offences Act 1988, which are no longer being repealed by the equality bill. Accordingly, the Government has requested that the Department of Communities and Justice undertake a review of part 3 and that it report back in the first half of 2025.

Schedule 8 amends the Surrogacy Act 2010 to make parentage orders available for children born through international commercial surrogacy, if the order is in the child's best interests. A surrogacy arrangement being an altruistic arrangement will no longer be a mandatory precondition to obtaining a parentage order for children born through commercial surrogacy arrangements entered into outside of Australia. If the international commercial

surrogacy arrangement is in relation to a child born on or before 30 June 2025, then all non-mandatory preconditions will be able to be waived on the "best interests" test. If an international commercial surrogacy arrangement relates to a child born after 30 June 2025, then all non-mandatory preconditions can be waived on the "exceptional circumstances" test, except for the now non-mandatory precondition that the surrogacy arrangement be an altruistic one, which will remain subject to the "best interests" test. The Government notes that there is a review into the Surrogacy Act currently being undertaken. Some of the issues that have been removed or that people have raised will be addressed through that review.

Schedule 5 amends the Drug Misuse and Trafficking Act 1985 and schedule 9 amends the Workers Compensation Act 1987 to replace outdated references relating to HIV. These changes to language ensure that our statute book modernises language appropriately. This is an important bill that, at its core, is about ensuring that New South Wales is a safe, welcoming and inclusive place for the LGBTIQ+ community. It represents a big step forward in the journey towards equality, one that has been occurring for over 40 years. I understand that there remains a desire to do more to support LGBTIQ+ communities and people. The Government is committed to doing that work and making sure that it does that work carefully, inclusively and diligently. This is just the next stop on the journey, not the end of the road. I remain dedicated to and passionate about bringing forth that change in the future as the Government works its way through this. I commend the bill to the House.

Second Reading Debate

The DEPUTY PRESIDENT (The Hon. Dr Sarah Kaine): I acknowledge in the gallery guests from Equality Australia, Rainbow Labor and Sex Workers Outreach Project, as well as Kate Toyer, Jasmine Nightingale and Heike Fabig. They are most warmly welcome.

The Hon. SUSAN CARTER (15:18): I lead for the Opposition in debate on the Equality Legislation Amendment (LGBTIQ+) Bill 2023 and indicate at the outset that the Opposition does not support the bill. That is not because the Opposition is unsympathetic to its aims. Any legislation with the purpose of advancing equality for LGBTIQ+ persons in New South Wales is laudable and deserves careful consideration. The problem, as always, in dealing with legislation concerning rights is how well it balances the legislated rights with the rights of others in the community. In this case, considerable concern has been expressed by members of the community about the balance point of the legislation and, in particular, its impact on women.

My colleague in the other place has considered the legislation in detail and discussed the problems we found through that consideration because of the late provision of the many and varied amendments, all of which are now part of the bill to be considered by the House. It is not my intention to revisit that discussion, and I acknowledge the beneficial nature of many of those amendments. I will not be surprised if the bill, should it pass, is included in a future miscellaneous provisions bill to address what appear to be some inconsistencies.

I focus my remarks on three key areas of the bill and outline the difficulties that may arise. The first of those are proposed changes to the Summary Offences Act in relation to prostitution. The original schedule 18 to the bill proposed to delete part 3 of the Summary Offences Act, which deals with prostitution. Members will know that prostitution is not illegal in New South Wales, and it was not a proposal to decriminalise prostitution. Rather, it was to repeal a number of provisions, many of which were designed as protections for the largely female sex workers in this State.

I recognise the positive amendment introduced yesterday that now retains section 15A, which will continue to prohibit a person coercing another into prostitution. In the second reading speech introducing the provision on 19 October 1995, the then Attorney General, the Hon. Jeff Shaw, QC, said that section 15A "would include, for example, the offering of heroin to a heroin addict so that he or she engages in an act of prostitution". He added:

This provision is also capable of ensuring that the exploitation of young women in particular does not result from the recognition of brothels as legitimate commercial enterprises.

That this important protection will be retained is positive. However, the bill still seeks to repeal section 15 of the Summary Offences Act, which prohibits a person living off the earnings of prostitution. Speaking about the reason for deleting this provision, the member for Sydney in his second reading speech said:

There is an offence for knowingly living off the earnings of sex work, with adults living with a sex worker who do not have other sufficient lawful means of support specified. The offence could incriminate a sex worker's partner who becomes incapacitated, an adult child who lives at home while studying or a housemate on a low income.

Mr Greenwich hypothesises that it could incriminate dependent family members, but the reality is that it has not and it does not. Mr Greenwich was unable to provide me with details of anyone fitting his criteria who had been charged with a breach of section 15 in the past five years. That is because section 15 is correctly characterised as an anti-pimp provision, not an anti-family provision.

"Living wholly or in part on the earnings of prostitution of another person" means taking some or all of the earnings at or shortly after the act of prostitution. It does not capture a person who shares the groceries and the household of a sex worker. "Living off the earnings" is criminalised because it is usually part of an unacceptable pattern of coercion to which prostitutes should not be subject. In introducing subsections (3) and (4) of section 15 into the law, the then Attorney General, the Hon. Jeff Shaw, QC, said:

... living off the earnings of prostitution ... requires a continuous association with the "industry" and habitual receipt of money from the earnings of prostitution.

None of the domestic relationships cited by Mr Greenwich in his second reading speech constitutes a continuous association with the prostitution industry. There is not a business character to the domestic relationships that he uses in his examples to justify the amendment because their receipt of money is by reason of a voluntary payment and has no commercial character requiring association with the industry of prostitution. His aim is clearly to protect sex workers from unwanted intrusion by the law, but the repeal of that section would have the opposite effect. It leaves prostitutes vulnerable to others who would exploit them commercially. It is not justified and should not be supported.

I am frankly amazed at the support provided to the bill by Premier Minns and the entire Minns Government. Thirty years ago their Labor colleagues could understand the vulnerability of women, men and trans people working in the sex industry, and legislated a protective framework to provide some recourse from coercion and financial exploitation. This Labor Government, which talks the talk on workers' rights, is now involved in the dismantling of protections for sex workers, the very protections introduced by their Labor colleagues. By supporting the bill, the Minns Government is supporting the removal of protections that guard against the exploitation of vulnerable women, men and trans people engaged in prostitution.

The next issue I turn to is birth certificates. Schedule 1 to the bill as amended in the Legislative Assembly deals with changes to the Births, Deaths and Marriages Registration Act and in particular to the sex on the record of a person's birth. The bill proposes a new administrative process to change the sex on a birth certificate record for people born in New South Wales, which does not require any medical or surgical intervention, or any evidence of counselling or psychological support, except for minors who wish to transition. I rely on the shadow Attorney General's close discussion of the provisions yesterday, and wish instead to address some of the arguments that have been raised about our opposition of the bill.

The first argument members keep hearing is that we need to align ourselves with the position in every other State. Interestingly, that argument is only made about birth certificates and is not considered by those who are also supporting the commercial surrogacy provisions of the bill. That is because, if the bill does pass, unlike every other State in Australia and the Australian Capital Territory and the position taken by the Commonwealth of Australia, New South Wales and New South Wales alone will be facilitating commercial surrogacy.

Putting that to one side, how does New South Wales compare with other States? In South Australia, an individual seeking to change the sex descriptor on their birth certificate must have received clinical treatment provided by a medical practitioner or psychologist. That does not require surgical intervention, but treatment and hence discernment must have continued for at least six months. At that six-month point, there is then a consideration point where the medical professional must certify that the person has undertaken a sufficient amount of treatment and truly considers themselves to be of the sex they are seeking to have registered.

I note that, unlike the proposal in New South Wales, both sex and gender identity are recorded on South Australia birth certificates. Applications in Western Australia are currently subject to sections 3 and 14 of the Western Australian Gender Reassignment Act 2000. The Act requires that, before a person can be issued a recognition certificate of another sex, that person must have undergone a reassignment procedure. That term is defined as follows:

... a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other gender characteristics of a person, identified by a birth certificate as male or female, so that the person will be identified as a person of the opposite sex ...

That is subject to change, but the law that will effect that change has not yet been proclaimed. Even when and if it is, much more will be required than our suggested application to a registrar, supported by a note from an adult friend, and the ensuing administrative process. Applicants will need to proceed by way of an application to the Gender Reassignment Board, which must be satisfied that the applicant:

- (i) believes that his or her true gender is the gender to which the person has been reassigned;
- (ii) has adopted the lifestyle and has the gender characteristics of a person of the gender to which the person has been reassigned; and
- (iii) has received proper counselling in relation to his or her gender identity.

Importantly, that does not change the birth certificate but issues an acknowledgement document, which identifies the person's gender and sex. In the Northern Territory, there is a requirement that, to change the record of sex on a person's birth certificate, an application must be made to the registrar. That application requires evidence that the applicant has undergone appropriate counselling, hormone therapy or surgery. As of June this year, Tasmania, Victoria and Queensland have systems similar to that proposed for New South Wales, so it is perhaps more correct to characterise the change as seeking to align New South Wales with half the States. Our procedure for changing sex would still become one of the most permissive in Australia, requiring only administrative procedures, and no medical treatment or counselling to support the transition. In fact, our legislation will not even require a person to have lived as the intended sex, just to have expressed a desire to live as that other sex.

What I find remarkable about this change is that it minimises the journey undertaken by a person changing their sex. An amended birth certificate used to be available at the end of that journey, and some have argued that that milestone was set at too high a point, with the requirement for a complete surgical transition. I acknowledge that argument. But are we now completely overcorrecting and trivialising the huge decision and major journey of those who embark on the process of transition? Instead of an amended birth certificate being available at the end of the transition process, it will now be available as a first step for someone who intends to live as the other sex.

Consider the situation of a person who obtains a new birth certificate, identifying as a different sex, without having taken any steps on the transition process other than forming an intention to change. If that intention, once tested, changes, what then? We may have set the bar too high, but have we gone from pole vault to limbo? I have been deliberately using the language of "different sex" rather than "opposite sex" because the bill seeks to change our long-held understanding of the binary nature of sex—XX or XY—to a more fluid approach by allowing a range of other sex descriptors, such as non-binary, on our birth certificates. That is a significant change and is one of the reasons why the bill has been accused of conflating sex and gender. My colleague in the other place considered that argument in detail.

We have also heard the argument that to oppose this legislation is to be anti-trans. To accept that argument, we would have to accept the proposition that unless every proposal concerning one particular community is accepted without comment or amendment, one is opposed to that community. That proposition is illiberal in the extreme and would destroy our multicultural society. We have the benefit of living in a diverse community where we work hard to balance the rights and desires of one against the rights and desires of others. That balance point can cause tension and is often difficult to achieve, but is necessary for a healthy and inclusive society. It is the opposite of a society composed of a number of separate monocultures.

Our opposition to the changes proposed is not anti-trans but rather a consequence of the many unanswered questions about the implications of the changes and our concerns about whether the right balance has been struck across the entire community. The Opposition is not anti-trans, and to argue that is simplistic and reduces important and nuanced discussions to juvenile slogans. When the Coalition was in government, it introduced part 3A into the Anti-Discrimination Act, which introduced protections for trans people. We proudly stand on our record.

Another argument we hear is that this change is about recognising trans people, not about women and women's spaces. That issue is at the heart of opposition to the bill and has dominated inboxes and telephone calls across this Parliament. It is concerning to many women and men and deserves respectful consideration, not a disrespectful dismissal as a trans-exclusionary radical feminist issue, with no need to consider it. The issue is about both of these propositions: appropriate recognition of trans people and appropriate recognition of women's spaces. The question is: Have we arrived at the right balance point? The Coalition's answer is no.

A birth certificate is a public document. It is outward-facing and is how we are known and identified by the world. We use it for a host of purposes, and at least some of those concern how we interact with others. We all have memories, if not current experience, of lining up at soccer and netball registration days, with birth certificate and registration fee in hand—and, in the days of the Coalition, the Active Kids vouchers, which were so important for all parents in addressing the high cost of living. The proposal has raised such significant community concern because the practical effect is that persons with the biological body of a man but who identify as a woman may, without any surgical change to their bodies, legally become a woman and are likely, as a consequence, to have access to female-only spaces such as swimming pool changing rooms and showers, play female sport, reside in female refuges and be housed in female prisons in a manner that they currently cannot. That has been the experience in other jurisdictions where similar changes have been made, so we should expect it to be the experience in New South Wales if the bill passes.

The amendments have attempted to deal with the situation in which some of the worst interstate and overseas abuses have occurred: correctional facilities. New part 5A prohibits prisoners from making applications to change their sex during the period spanning remand to release. That protects against opportunistic attempts to change sex and provides some protection to female prisoners. However, it does not address the situation that has arisen in Victoria, for example, where a trans inmate who had begun transition prior to arrest, with a history of

violent assaults against women and a functioning penis, was incarcerated in a female prison, much to the concern of other female prisoners. All of the voices on these issues deserve to be heard.

I note with thanks that one of the amendments—new section 32H (4)—includes the provision, "This section is subject to any other Act." That aligns with provisions in other States and will be protective where there are existing statutory regimes that clearly need to be read in relation to sex characteristics. However, where access to gyms or changing facilities, for example, is contractually based, that will not assist in the protection of female-only spaces. The issue remains—especially for change rooms, sporting teams and other areas of life regulated by club membership or contract or where terms of entry are set by private owners—that if a trans woman has a female birth certificate under the proposed provisions, but has undergone no medical, hormone or surgical process, it will become difficult, and perhaps in breach of part 3A of the Anti-Discrimination Act, to treat them as anything other than a female. Legalities aside, it will be very difficult from a practical point of view to go behind a birth certificate that says the person is a woman. That could create significant issues for single-sex schools, including boarding schools; change rooms; sporting teams; women's refuges; and correctional facilities.

There are interstate and overseas examples where the presence of biologically male bodies in female spaces has created dangerous situations for some women, a situation that we hope will not be repeated in New South Wales. But this legislation contains no effective measures to prevent that. New section 32H states that any change to the sex record under the part means a person is legally of the sex that has been changed. However, a note to the section recognises the problems potentially created by the change and makes a half-hearted attempt to address them by stating:

Nothing in this part changes access to toilets, change rooms, sport or allocation in correctional facilities, women's refuges or any other place.

That is a note. It has not been included in the legislation as a section. It has no operative effect. Section 35 of the New South Wales Interpretation Act specifically says that notations such as that shall not be taken to be part of the Act. At best, it could be used as extrinsic material to interpret the provisions of the Act if the threshold tests in section 34 (1) of the Interpretation Act were also met. Extrinsic material is used to interpret the meaning of the provisions of an Act, and the issue here is not their meaning but their impact on women's spaces. I am not sure whether it is worse to ignore and sideline the impact of these provisions on women, or to recognise—as the note does—that these problems exist, and recognise the impact of the provisions on women, and then make a token and totally ineffective attempt to engage with this important issue.

Let us be clear: The bill may have begun as independent legislation but it has been completely adopted by this Government. Ministers of the Minns Government stood at a press conference with the member for Sydney, expressing their support for the bill. The Minns Government suspended standing orders in the other place and this House to facilitate the passage of the bill. The Minns Government supports the bill, including its deeply flawed attempt to deal with the issue of the conflict between its provisions and the maintenance of women-only spaces. Much has been made of the number of women currently sitting around the Cabinet table. But if they are not listening to the voices of women, or speaking up for their needs and interests, or raising their concerns about this legislation, then their mere presence at the table is no guarantee of truly inclusive female-friendly policies. Indeed, their support of this bill indicates the complete opposite.

Legal issues relating to the operation of various provisions of the Anti-Discrimination Act and certain provisions of the Summary Offences Act will arise out of this bill, and they will no doubt be addressed by courts and other tribunals over the coming years. I hope our law allows us to arrive at a different space than Tasmania, where a lesbian social group was prohibited from excluding lesbian-identifying but biological males from attending their functions and attempting to court their members, often to the distress of those women. I will focus on the likely effect of this legal change on women's self-editing behaviour, of which we are all too aware. Self-editing means we stay away from spaces which feel unsafe. We do not go out to certain areas and hold back from engaging in particular activities or do not fully engage in society.

I will focus on why so many in our community are opposed to this legislation. In this respect, I note the work of the Legislative Assembly committee which conducted an inquiry into the bill on behalf of the Parliament. It surveyed over 13,000 people, 85 per cent of whom rejected the bill in its entirety. Given that fewer than 1 per cent of respondents said they would support the bill, if amended, it is unlikely that the recent amendments have moved the needle at all. Indeed, my inbox, the inboxes of all of my colleagues and, I suspect, those of all members of this House, are evidence in support.

I note also this House received a more than 25,000 signature petition opposing the introduction of the bill. Those are significant voices, many of them female, which appear to be unheard by the Minns Government. One of them is the voice of a 14-year-old girl who likes to swim and is prepared to train hard. Her mother drops her at the pool early each morning for squad and then picks her up, changed and ready to be dropped to school, except

now new bodies are in the change room. They are bodies that are anatomically male. They are bodies that are stripping and changing when she is in the dressing room. She is confused and uncomfortable, and she has stopped swimming. Like so many other women have done over the years, she self-edited her participation in public life.

Girls and young women playing soccer and choosing a women's competition rather than a mixed competition are finding themselves playing against a number of women who have undergone male puberty. As a consequence, they have stronger, faster bodies and the girls and young women are self-editing and dropping out of playing community sport. We have already seen examples of this with women's teams choosing to forfeit in certain Sydney sporting competitions rather than play their stronger competitors. We have separate male and female sporting competitions for a reason. Those who have undergone male puberty have developed different bone structures and musculature than women, and they are usually stronger and faster as a result.

By way of illustration, the women's 100-metre, 400-metre and 800-metre running records are beaten by literally hundreds of men each year, including by many high-school boys. The qualifying time for the 50-metre freestyle in the Paris Olympics was three seconds longer for women. Those times recognise biological fact. It may be that we need to develop a new paradigm for sports and other areas of life to truly accommodate all those in our society, but simply saying to women that their paradigm has to change is not the answer. Yet it seems to be the message of this legislation.

This discussion should not be interpreted as an attempt to exclude trans people from participation in sport. Nor should this legislation be allowed to foster self-exclusion by women and girls from sport. This is lazy legislation that has not engaged with the difficult issue of how we can accommodate the needs of all in our society. This legislation should be called out for recognising the challenge it presents to female spaces while failing to adequately address appropriately that important issue. This legislation should be rejected because it does not get the balance point right. The mother and grandmother of that 14-year-old would-be swimmer want to see women participating fully in every aspect of life. We have fought for years to ensure that women are recognised and can fully participate in every aspect of society as possible. We have 50 per cent female representation in Cabinet, yet this Government will preside over legislation which reduces opportunities for women to fully participate. That is shameful.

I turn now to the issue of surrogacy. Perhaps the biggest changes made by this legislation are those relating to our surrogacy laws. Currently it is an offence under section 8 of the Surrogacy Act to enter into a commercial surrogacy arrangement, punishable by a substantial fine or two years imprisonment, or both. According to the Australian Government website page, "Surrogacy overseas", entering into an international commercial surrogacy arrangement in New South Wales is illegal and carries risks for the surrogate mother, the commissioning parents and the child.

The 2018 Statutory Review of the Surrogacy Act 2010 did not recommend any of the changes contained in the bill proposed by the member for Sydney. The New South Wales Department of Communities and Justice is currently undertaking another review of the Surrogacy Act 2010. Submissions have been lodged and stakeholders are being consulted. Any change to the Surrogacy Act should sensibly await the outcome of that review and should not be a piecemeal exercise of the kind proposed by this Minns and Greenwich bill.

If the Premier had read the Government submission to the parliamentary inquiry, he would know that it argued that the current review process rather than this bill was the most appropriate avenue to consider any amendments to the Surrogacy Act. The Government's argument was based on the complexity of the policy in this area and the operational landscape. That landscape includes the complementary legislation in the Australian Capital Territory and all other States which prohibit commercial surrogacy and make no measures to facilitate its operation.

Schedule 12 of the bill contains the proposed changes to the Surrogacy Act. In essence, it establishes a scheme to permit the making of parentage orders in respect of a child born as a result of an international commercial surrogacy agreement. Currently, if a child is born as a result of a still-illegal overseas commercial surrogacy agreement, that child receives a birth certificate in the jurisdiction of its birth, governed by the laws of that jurisdiction. Before that child can enter Australia with one or both of the commissioning parents, a passport is required. That is obtained by lodging a claim of Australian nationality by descent, usually by the biological father whose sperm has been used as part of the surrogacy process and so has a genetic link with the child.

Once in Australia, an application is typically lodged with the Family Court for the making of a parenting order pursuant to section 64B of the Family Law Act. Anyone who has gone through a divorce and needed to make arrangements for the custody and welfare of minor children would be familiar with that process. This section allocates parental responsibility for a child to a person or provides that a person is to share parental responsibility for a child with another person. A parenting order does not change the child's original birth certificate. If only one of the commissioning parents is listed on the child's original birth certificate, which is usual because the birth

mother is usually recorded as the surrogate mother, a Family Court parenting order can provide acknowledgement that the commissioning parents have parental responsibility for the child and that the surrogate mother does not, and it can assist with accessing services such as Medicare, Centrelink and education.

The test applied by the Family Court is the best interests of the child. I acknowledge that is a cumbersome process and it does not lead to the granting of a new birth certificate. One parent will always be off the birth certificate unless an adoptive process of some kind is pursued, and there may be many times when the situation of the child's birth may have to be explained. But it is simply not true that those children are in a legal limbo. They have parents, legally recognised as responsible for them, and a birth certificate which records their identity at birth.

The changes introduced by this legislation are, at a high level, to remove the mandatory requirement for a surrogacy agreement to be altruistic before parentage orders can be made in respect of the child born as a result of a surrogacy agreement. That will facilitate the use of still-illegal, international commercial surrogacy arrangements. A parentage order is about changing the birth certificate of a child to record the child's new parents, and the legal difficulties of how the New South Wales law will interact with the birth registration laws of the foreign jurisdiction in which the child has been born do not appear to have been explored in this legislation. A parenting order is about caring for the best interests of the child and ensuring that they have someone who appropriately cares for them.

The proposed changes represent a major policy shift in our approach to commercial surrogacy and will lead to a rise in the use of commercial surrogacy in New South Wales without an adequate consideration of the associated risks. Those risks are very real, especially for the surrogate mothers. The New South Wales Anti-slavery Commissioner was so concerned about the proposed changes that of his own volition he wrote to the member for Sydney to raise the issue that, too often, the mothers in overseas commercial surrogacy have functionally no choice and are being used as slaves. In budget estimates last month, the commissioner said:

Just to give this a little bit of context, this is not a purely abstract or hypothetical concern. In September 2023, so about a year ago, authorities in Greece raided the Mediterranean Fertility Institute and charged all its staff members with participation in human trafficking after an investigation uncovered use of brokers, fraud and record falsification to traffic at least 98 women from Ukraine, Moldova, Romania, Albania and Georgia, many of whom became birth mothers at the clinic. They targeted financially vulnerable women. Shockingly, around half of all the clientele for that institute were reportedly Australian. Between 60 and 150 Australian families are thought to have been impacted by this incident.

A clinic that Australian families thought was reputable and were using as part of their commercial surrogacy arrangements was using women trafficked in for the purpose of being surrogates. Those women had no choice and were likely receiving little, if any, of the relevant remuneration. That type of risk is why every State in Australia and the Commonwealth has said no to commercial surrogacy because we do not want to have children born at the price of slavery for overseas women. But that real risk is being ignored in this legislation.

In response to the concerns raised by the Anti-slavery Commissioner, Mr Greenwich has suggested in the media that going forward there will be limits to prescribed jurisdictions "where commercial surrogacy is well regulated and the rights of the surrogate protected". But that statement by Mr Greenwich is not reflected in legislation. Mr Greenwich has acknowledged the issue of slavery but has done nothing in the amendments to address it. In the 11 pages of amendments presented yesterday in the other place, there is not one mention of addressing the issue of slavery. With that real risk to women, how can we pass this legislation, which is designed to facilitate commercial surrogacy and thus drive up demand, further increasing the pain of some women? Or is it okay because they are overseas and we cannot see them?

The Coalition will not stand by and facilitate slavery in any form. I invite the Government to do the same. This Government prides itself on its care and concern for workers and the need to establish safe workplaces. The Minns Government, which has passed the industrial manslaughter legislation and the assaults on retail workers legislation to provide safe workplaces for workers, appears not to care about overseas workplaces that are producing children for Australians. How can the workplace of a slave ever be safe?

Section 20 of the Surrogacy Act, in conjunction with the making of parentage orders, provides that birth siblings should be kept together. A birth sibling is defined as any brother or sister of the child who is born as a result of the same pregnancy as the child. That recognises the reality of IVF processes and the benefits of siblings knowing and growing together. But what of siblings in international commercial surrogacy arrangements? It is established fact that they are sold to the highest bidder. The United Nations Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, including child prostitution, child pornography and other child sexual abuse material, has raised particular concerns about this issue. She stated:

Abusive practices in the context of surrogacy are well documented. Examples include convicted sex offenders from Australia and Israel employing surrogate mothers from India and Thailand, a wealthy Japanese man employing 11 surrogate mothers, leading to the births of 16 infants in Thailand and India, the abandonment of a surrogacy-born infant with disability in Thailand, and the abandonment or sale of "excess" surrogate-born infants in twin births in India. Commercial surrogacy networks transfer surrogate mothers, sometimes while pregnant, across national borders in order to evade domestic laws; in one case, Vietnamese women were found and freed by Thai authorities, leading to human trafficking charges in the context of a baby-farming scheme.

...

However, abusive practices also occur in purportedly well-regulated commercial surrogacy jurisdictions. For example, two prominent surrogacy attorneys were criminally convicted in a baby-selling ring in California, a centre for international surrogacy arrangements. According to governmental authorities, a prominent surrogacy attorney admitted that "she and her conspirators used gestational carriers to create an inventory of unborn babies that they would sell for over \$100,000 each". The convicted attorney told the local media that, as to abusive practices, she was the "tip of the iceberg" of a "corrupt" "billion-dollar industry".

There are real reasons why we have eschewed commercial surrogacy in Australia and, like so many important issues it raises, this bill does not engage with them adequately, if at all. In its original form, the bill added one important protection for birth mothers. It would have inserted a new section 6A in the Surrogacy Act that provides:

Rights of birth mother to manage pregnancy and birth

- (1) This section applies to a surrogacy arrangement despite anything the parties to the arrangement may have agreed, whether or not in writing.
- (2) A birth mother has the same rights to manage her pregnancy and birth as any other pregnant woman.

I was the deputy chair of the birth trauma committee. I heard from, read about and spoke with thousands of women and heard their pain, distress and anguish about matters arising out of their pregnancies and birthing experiences. If it is possible to boil the unique experiences of so many women down to one thread, it was perhaps this: that their trauma had been caused by their lack of agency because someone else stepped in to manage their pregnancy and control their birthing experience. I was encouraged when I read new section 6A in the original bill. It was a great attempt to give surrogate mothers the very agency that all birthing mothers desire. Now, in the final iteration of the bill, that is gone. Perhaps that is a recognition that commercial surrogates have no agency: Their wombs are to be used by others, and they are too often actual slaves or financial slaves.

This legislation, especially the provisions that would facilitate commercial surrogacy, is anti-woman. Even worse, it often recognises the problems that it raises but makes no real attempts to engage with them. This area of law is complex and nuanced and calls out for real solutions, but this legislation has not delivered those solutions and was not saved by yesterday's amendments. Those amendments did not even seek to engage with the real and acknowledged issue of slavery in overseas commercial surrogacy. Slavery cannot be an issue that we fix up in the future at some unnamed date. The Minns Government, in supporting the legislation, stands condemned for not dealing with that critically important issue first.

I am so disappointed to be part of a Parliament that appears to be ignoring the voices of women, ignoring the risks of financial exploitation of prostitutes and, incredibly, seems prepared to ignore real issues of the slavery of women because the women are overseas. By voting for this legislation, the Minns Government loses all claim to be pro women or pro worker. It is demonstrating that it is neither. The bill is opposed by the majority of the community, or 85 per cent of respondents to a parliamentary inquiry. [*Time expired.*]

The Hon. DANIEL MOOKHEY (Treasurer) (15:58): I make a limited contribution to the second reading debate on the Equality Legislation Amendment (LGBTQIA+) Bill 2023 because, by the grace of those opposite, my ministerial duties mean that I will be paired and not in a position to formally register a vote on the bill. However, I want to put on record my support for the bill and for the efforts that led to it. I have an abiding respect for the advocates who brought the bill before the Parliament and who worked through the very complicated issues that various members are raising in this Chamber. I pay particular respect to the Leader of the Government in this place, to the member for Sydney in the other place and to activists in the Labor Party and beyond, many of whom are in the gallery today, for their efforts. They worked through these very complex issues with sophistication and maturity and treated with respect everybody who agreed and disagreed with them. I commend the bill to the House. I will not be in the Chamber when we are voting on it, but I want to put beyond doubt that I support the bill.

Dr AMANDA COHN (15:59): As The Greens spokesperson for LGBTQIA+ in New South Wales, I am proud to stand with diverse communities across the State today in support of the Equality Legislation Amendment (LGBTQIA+) Bill 2023. The diverse LGBTQIA+ communities of New South Wales and Australia have a proud history of solidarity. After the first mardi gras protest in 1978 was met with police brutality and mass arrests, people who had not been arrested gathered outside Darlinghurst Police Station to raise enough bail to release those held by the police. I am told that this was a significant organisational effort for a Sunday morning in pre-ATM 1978. During the 1990s, when queer people, gay men and some trans women were the subject of horrific violence, the Dykes on Bikes would patrol the streets and communicate by radio to keep people safe.

During the worst years of the HIV/AIDS epidemic, lesbians contributed significantly to the HIV response here in New South Wales. When the stigma of HIV meant that some health workers were scared of gay men who they thought might be sick, lesbian nurses stepped up to support and care for gay patients, and many other lesbians provided care and support for their gay male friends. This solidarity is not just historical; it is proudly ongoing. The Federal Albanese Government this year announced it would not implement recommendations of the Australian Bureau of Statistics to count LGBTQIA+ people in the census. After community outrage, the Prime Minister backflipped to announce that a question on sexual orientation would be included. This could have divided us, but it did not.

I was so proud to see lesbian, gay, bisexual and other queer people unwaveringly stand with trans, gender diverse and intersex people to demand that the census count all of us and not just some of us. That led to the Prime Minister conceding to include a question on gender identity. An appropriate question on innate variation of sex characteristics is still missing, and I do not think for a second that people who were involved in this campaign feel that this is over until we are all counted. Earlier this year, when Cumberland City Council egregiously attempted to ban a book about same-sex parents from its public library, local rainbow families were backed in, by not just same-sex parents but also the entire LGBTQIA+ community and our allies who signed and shared petitions, wrote letters and turned up to the council chambers in protest—and we won.

That longstanding and ongoing solidarity is why today is both a day of great joy and a day of deep hurt for some LGBTQIA+ communities. The version of the bill we are considering today in the Legislative Council is not the equality bill as introduced by the member for Sydney last year. I acknowledge that he is here today, and I understand that his personal views have not changed. He understands these reforms are still important and will continue to pursue them through other avenues. I thank the member for Sydney for his hard work drafting and advocating for these reforms. It is understandable that people whose lives would have been directly and profoundly impacted by provisions of the bill that were removed yesterday in the Legislative Assembly are feeling left behind. It is heartbreaking to support a bill that is called the equality bill but does not deliver equality for everyone for whom it should.

To that end, I indicate that The Greens will be moving amendments today so that the most important of those provisions can be properly considered and debated. I hope that we can all join in celebrating what is being achieved today and acknowledge the profound and meaningful difference that the laws being changed today will have on the lives of some people. I also hope that, after celebrating, we will knuckle back down together to finish the work that was started and actually deliver full equality for LGBTQIA+ people in New South Wales without exceptions—those changes that are not being delivered today but should be and could be with the full support of the Minns Labor Government in this term of Parliament. People who are being left behind today need our collective and unwavering support to make that happen.

What will change if the bill as amended passes today? Trans and gender diverse people will be able to update their birth certificates without the need for violating and medically unnecessary surgery. This is historic and overdue reform that brings New South Wales up to speed with every other Australian jurisdiction. People will also be able to record their sex as non-binary. The time to register a birth, if variations of sex characteristics make it difficult to determine the sex of an infant, will be extended from 60 days to 180 days. Family members will be able to alter the record of sex of a trans or gender diverse child, parent or sibling as it appears on their own birth certificate.

The impact of these reforms will be profound. A dear friend of mine, who is non-binary, told me this week that the passing of these provisions into law in New South Wales before Christmas is the best Christmas present they ever could have imagined. A trans woman who wrote to me shared:

In an increasingly violent, transphobic society, it is a real and legitimate danger to be outed to everyone who sees my "male" on my legal identification forms.

Another said:

Reproductive surgery for me could mean a hysterectomy with far reaching effects on my health and my sex life. It's also an expensive procedure. Being able to change my gender marker will open up a lot of things for me, such as travel to countries that might be dangerous for a person who hasn't changed their gender. This bill won't hurt anyone else but it will help thousands of Trans people be able to live their lives authentically without the need for invasive surgeries.

In my work as a GP before my election to Parliament, I have been approached to be the second doctor required to perform an invasive medical examination to confirm someone has undergone surgery. This was uncomfortable and distressing for me as a practitioner, and I can only imagine how uncomfortable and distressing the process is for trans and gender diverse people.

My colleagues in the medical profession have also sounded the alarm about the onerous and unnecessary process to change gender on State documents in New South Wales. For example, I have spoken with a surgeon

rightly concerned that patients are seeking surgeries, which are sometimes medically high risk, not for medical or personal need but purely to satisfy the requirements of the New South Wales Births, Deaths and Marriages Registration Act. New South Wales is the only jurisdiction with such a requirement. There has been a lot of fearmongering and disinformation circulating about what these changes will mean in New South Wales. As someone who lives in Albury-Wodonga, I can confidently assure anyone concerned that in Victoria the sky has not fallen in.

It is extremely disingenuous to see people opposing these changes under the pretence of the safety of women. Not only do their arguments fail to make any sense but also these people never advocate for the safety of women except when it is an opportunity to promote hatred of trans people. During debate in both Houses, members cited examples of risks that are mostly not even Australian. If those supposed risks existed in other Australian States and Territories, I would expect that opponents of the bill would be jumping up and down to point that out, but they are not. The safety of all cisgender and transgender women is regularly threatened by men, but it is not threatened by this bill. Similarly, there is a lot of disingenuous support for the integrity of women's sport from people who have never cared about equal pay, prize money or well-funded facilities for women's sport.

The rhetoric around trans and gender diverse people today is a horrifying echo of the way that gay, lesbian and other queer people were spoken about decades ago as mentally unwell, perverted or dangerous. The majority of the Parliament, and the majority of the public in New South Wales, now clearly understand that this was wrong. I am confident that a future reader of this week's parliamentary *Hansard* will be horrified by the use of that kind of language now. While there are now several members of Parliament across both Houses, and across the political spectrum, of openly diverse sexual orientations, no representative in this Parliament identifies as trans or gender diverse. I think that speaks volumes to the level of ongoing stigma and marginalisation trans and gender diverse people face across New South Wales. Birth certificate reform alone will not fix that, but it is a very important step.

There are other important provisions in the bill that I expect will pass today following the compromise that was reached with the Minns Labor Government. Offences for living off the earnings of a sex worker will be repealed. That will enable sex workers to care for adult family members. Decisions about where to accommodate a child under State protection will have to consider an appropriate placement for their gender identity or variations in sex characteristics as is currently the case with sexuality and religion. Children who have had gender-affirming care or any other special medical treatment approved by the Family Court will not have to also go through the NSW Civil and Administrative Tribunal for approval. Threats to out a person's LGBTIQ+ status or sex work history will be recognised as abuse. Aggravated sentencing for crimes motivated by hate will be extended to hate for trans and intersex people. Outdated and stigmatising language used to describe people living with HIV or AIDS will be appropriately updated. The Mental Health Act will make it clear that gender identity and gender expression are not mental illness and are not reasons to detain someone.

There will also be a pathway for children born from overseas commercial surrogacy arrangements to have their parents recognised. I understand that many people have valid concerns about commercial surrogacy, and particularly overseas commercial surrogacy, that it may risk the exploitation of women if it is not appropriately regulated. I also know that many people, including some of my closest friends, wish that they could access appropriately regulated commercial surrogacy here and be with their loved ones during precious moments for their family, not overseas. Someone who wrote to me said:

I dream of starting a rainbow family, but the road to doing it looks legally tortuous and forbiddingly expensive. [This bill] is the first step toward softening a harshly paternalistic social norm that prevents loving people from becoming parents.

I look forward to a considered debate on this matter in future. However, the provisions in the bill before us today provide a pathway for children who were born from overseas commercial surrogacy, and who are already living here in New South Wales with loving parents, to have their parents recognised. That is an important provision for the wellbeing of those children and families.

Since my election as an upper House MP, I have had the joy and privilege of travelling around the State to speak with LGBTIQ+ communities and our allies across the State—events and groups as diverse as Parramatta Pride; Out, Loud and Proud Port Macquarie; the Orange Rainbow Festival; Wagga Mardi Gras; Queer Family, in the Northern Rivers; the Broken-Hill-based The Rainbow Shoelace Project; and Tamworth Pride. In connecting with these communities, they have reiterated how critical these reforms are—in particular, the changes to the Births, Deaths and Marriages Registration Act, but also the now-removed changes to the Anti-Discrimination Act, as well as non-legislative work that the New South Wales Government must continue to progress, such as access to gender-affirming health care. I am proud to represent a party that can be counted on to vote for equality—every MP, every vote, every time—and that works both inside and outside of the Parliament to drive progressive change. I look forward to continuing to work with LGBTIQ+ communities and our allies toward full equality, today and every day.

The Hon. JOHN RUDDICK (16:11): The Libertarian Party opposes the Equality Legislation Amendment (LGBTIQA+) Bill 2023. I say at the outset that in the rich tapestry of life, and in every culture, a very small number of people do find themselves with an urge to identify with a gender that is contrary to the gender that God or Mother Nature gave them at birth. Indeed, there are very ancient parts of the Bible that note this phenomenon, 3½ thousand years ago. In a civilised society, those individuals should be free to live their life as they choose and be treated with dignity. But we are talking about a very small minority where this urge appears naturally. I fear this bill encourages a social contagion and causes harm. Adults are adults, and they have the freedom to make these decisions for good or bad. My primary concern is around encouraging troubled children to embark on a transition that very few would have without the social contagion. This bill allows—and I fear, encourages—adults and children to legally self-identify as the opposite sex of their birth.

That is tragic, given everything we have learned from the Independent Review of Gender Identity Services for Children and Young People conducted by the world-renowned and highly respected Dr Hilary Cass, commonly referred to as the Cass Review. This exhaustive, years-long study under the auspices of the United Kingdom Government, evaluated 15 international gender clinics and 21 treatment guidelines around the world. As a result of the findings of the Cass Review, the United Kingdom is reversing the transition trend. Australian States are heading in the opposite direction, but we will reverse that at some point. The Cass Review revealed that the vast majority of young children and adolescents presenting with gender dysphoria are troubled and present with a constellation of other comorbidities: Around 60 per cent are autistic; most present with depression and anxiety; many have experienced childhood trauma where they have been sexually or physically abused; some cut themselves; and many have eating disorders.

This is not John Ruddick speculation; this is the redoubtable Dr Hilary Cass's finding, after many years of high-quality research sponsored by NHS England. It has been fully endorsed. No-one is attacking the findings of the Cass Review in Britain or Europe. Some activists claim that these other issues present because of the gender confusion, but the Cass Review revealed this is simply not the case. The Cass Review found that we must treat these myriad issues and address feelings of gender confusion as part of a holistic psychological assessment. But what this bill does, by making it easier to change sex legally, is reinforce a child's initial gender confusion. It works in tandem with the now passed Conversion Practices Ban Bill 2024. In debate on this bill, it has been said, "Where medical interventions are in a child's best interest, they should not be held back by ideology." It is now clear that, in fact, what is driving too many children towards these life-changing decisions is ideology—trans ideology, which takes the form of what is known as gender-affirming care, whereby clinicians must effectively reinforce that supposed new gender.

Troubled teens are self-declaring, and gender-affirming care rolls out the red carpet. The Cass Review revealed the complete and utter failure of gender-affirming care. I encourage all members to read the final report of the Cass Review—or at least its summary. This is a travesty because we know from a 2021 paper by Toronto University that, if left alone, 87.8 per cent of gender-confused kids outgrow their childhood-onset gender dysphoria. That is almost nine out of 10. This is under the desistance model of care, or the wait-and-watch approach. Other studies, like that of the renowned Canadian psychologist Kenneth Zucker in the 1980s, found that 90 per cent of gender-confused kids, when left alone, turn out to be happy, healthy, gay adults. The tragic irony is that the trans movement is re-establishing a discarded social norm whereby, for example, a feminine boy is told they have been born in the wrong body and must fit into societal heteronormative stereotypical norms. I thought we had progressed past that.

Those who believe in trans ideology say the prospect of experiencing a puberty that does not align with one's gender can be highly distressing. Well-respected child psychologist Dr Jillian Spencer, a senior staff specialist at the Queensland Children's Hospital, states that puberty is the cure. She says:

... it is now known from their widespread use, that puberty blockers prevent the child from recovering from gender dysphoria. There is a high rate of continuation to cross-sex hormones and then to surgery. So, instead of 60-90 per cent of children becoming comfortable in their body through the course of adolescence, as many as 95 per cent of those on puberty blockers proceed to cross-sex hormones.

The ever-growing list of de-transitioners, like Chloe Cole, are telling us they are often fast-tracked onto a medical pathway into experimental surgery where their bodies are altered in very significant ways. Many will be rendered sterile and have to live with atrophied or removed genitals, the loss of sexual function, a permanently changed voice, brittle bones, risk of osteoporosis, cancer, a reduced life expectancy—and the list goes on. Given that we know the brain is typically not fully developed until the age of 25, I put to this House that children cannot possibly fathom the implications of potential sterility and not being able to have children. These procedures take place without a child's full understanding of the repercussions and, therefore, their full consent. In debate on this bill it has been said that "denying timely access to gender-affirming treatment presents enormous risks to health and welfare", but my view is that the bill itself presents enormous risk to the health and welfare of gender-confused

kids. This bill encourages a somewhat gender-confused teen to go down the path of medical transition. Thankfully, many do not, but too many will.

I now turn to the issue of surrogacy. In libertarian theory, the concept of surrogacy seems fine; a couple unable to naturally conceive a child willingly part with their money and a willing surrogate is happy to be paid to carry their child. That payment could be a life-changing sum for a surrogate in a poor country. I am sure that is often the case. Surrogacy is fine in theory. However, I am concerned about when this theory hits reality. What if the child is born with imperfect health in a Third World country? At that point the couple expecting a healthy child may lose interest and renege on the transaction. What happens then? The birth mother did not want the child. The poor little child will be neglected—or worse. We know that child trafficking is a big, evil industry. Criminal interests will exploit legal loopholes and put children in horrendous circumstances.

I am also concerned that some couples will decide on a whim to use a surrogate to have a child. I fear that it is sometimes a case of impulse shopping and not for reasons of genuine love and care of children. I would prefer a situation where we have far fewer abortions in this country and far more adoptions. Adopted children were quite common when I was growing up. They were almost always welcomed into a loving and caring family. Adoption barely happens today in New South Wales.

I now turn to the outing penalties in the bill, that include penalties and restrictions for threatening to out a person by disclosing their gender history. Who would fall foul of these provisions? Journalists report on the biological sex of a male-born sex offender, who now identifies as a woman, and who is being housed in a women's prison. This bill could make that a crime. What about a woman whose partner or ex-partner begins to identify as a woman and she, understandably, wants to talk to her family and friends about her situation? This bill could make that a crime.

What about female sporting codes? Why should other female players not have the right to know that they will be playing alongside, or playing against, a biological male? This bill has an authoritarian tone in parts. We are entering a dystopian world where historical documents are being altered in the name of an ideology. Are members of this Chamber comfortable with forging historical truths? Libertarians stand with Aristotle and Ayn Rand: A is A. Reality exists. Birth certificates are an important historical document and to alter them is to embark on a downward spiral when we think laws can change reality.

I now turn to the very real issue of biological men in women's sports. Currently women have some legal recourse under grounds of discrimination, but if they legally change sex this bill and associated regulatory provisions under the Anti-Discrimination Act will trump all. We have seen some sporting bodies recognise the safety of girls, and some not, like the women's soccer Premier League team in Sydney that went through the season undefeated. Half of the players in the team are transgender. Six of their wins came as a result of forfeits, including semifinal fixtures. This is madness and cruel to women and girls who simply love playing soccer. The bill will worsen the already severe impact on fairness and safety for women and girls by allowing males who self-identify as female to participate in women's sports, leaving women without legal recourse to challenge this unfair situation. Women are already withdrawing from competitions and are reportedly even being injured by these larger, stronger, and more aggressive individuals who were born male.

The outcome of the changes to the Births, Deaths, and Marriages Registration Act will be that males identifying as female will be further empowered and legally protected to join women's sports teams and competitions, unfairly taking positions and awards that rightfully belong to women and girls. Additionally, these amendments will further weaken the few remaining legal protections available to female athletes who are brave enough to advocate for female-only competitions. If this bill passes into law, I encourage rebel sporting associations to break away and set their own commonsense rules that protect the physical safety of girls and women.

I now turn to the issue of biological men in women's spaces. I have been provided with documents—I think all members have—that have been sent to members, including the Attorney General and senior members of Cabinet. Those documents highlight reported incidents involving individuals born as men but who now self-identify as women, encroaching on women's single-sex spaces and services. This list is not exhaustive; it represents only a snapshot of incidents occurring across Australia in the past five years. Many incidents are unfortunately unreported by the media. The data has been collated to counter the false claim that the issue of men in women's spaces is negligible and poses no harm or risk to women and children.

A further document we have been provided with is entitled *Australian Criminal Cases: Crimes Committed By Men Who Identify As Women*. Of the 40 cases documented, in 100 per cent of cases, the offender was born a male but now identifies as a female. In 60 per cent of cases, the offender claimed to be a woman after committing an offence. In 70 per cent of cases, the offence is a sexual and/or violent crime committed against women and/or children. Eighty-nine per cent of the offenders who committed a sexual and/or violent crime against women and/or

children are referred to as "she/her" by the court. In 75 per cent of cases, the offender suffers from a known mental health disorder or drug dependency. In 65 per cent of cases, the offender or the court takes into account the difficulties of being transgender, resulting in a more favourable outcome for the offender. We are creating perverse incentives.

It is entirely reasonable to expect that if this bill passes into law, we will see an increase in heterosexual men entering women's spaces under the guise of being a trans woman. This is certainly the trajectory that has occurred in other countries that introduced self-identification laws ahead of Australia. Rather than passing this bill, this Parliament should be making law that protects a business owner like Sall Grover, who created a female-only app and who has been dragged through endless litigation because she refused membership to a trans activist. Libertarians believe in freedom of association and Sall Grover should be free to have an app and welcome or reject whoever she wants. However, the bill will seriously erode social and legal barriers, effectively deregulating access to women's spaces by introducing self-identification.

Ignoring or minimising the harm, or dismissing it as a culture war, is gross negligence of duty. The potential harm to women and girls is real. I prefer that proposed laws like this be referred to the people of New South Wales to vote on it via a plebiscite. Were that the case, we all know what the outcome would be. This is social engineering being imposed from on high. Today—win, lose or draw—is just the start. I thank the thousands of people who have written to me expressing their alarm. I want to especially thank the many fine activists I have met—there are too many to name—but I want to mention the LGB Alliance—lifelong gay and lesbian activists, who are alarmed by trans ideology. These are brave people whose voices we should hear more of. I oppose the bill. I will move some amendments that, if agreed to, will bring some rationality to the bill.

Ms ABIGAIL BOYD (16:24): I contribute to debate on the Equality Legislation Amendment (LGBTIQA+) Bill 2024 to express my support for the bill and to wholeheartedly support the comments of my colleague Dr Amanda Cohn, who I thank for her advocacy and for her heart in this matter. When Dr Amanda Cohn takes on any issue, she does it to the absolute best of her ability. I know she and her office staff have spent a very long time speaking with constituents, stakeholders and other politicians to try to get the best outcomes she can in Parliament for the community. I thank sincerely the community. As my colleague said, the queer community is strong, fierce and stands together. It is with some sadness that today the version of the bill before the House is not quite as strong as we would have wanted it to be.

Having said that, I sincerely thank the member for Sydney, Alex Greenwich, because debating this legislation is not easy, but it really should not be this hard. We have heard from Opposition members today, and the fearmongering and misinformation we are facing has unfortunately infected members of the Labor Party as well as the Liberal Party. It has been very hard for the Labor Party to get to this point, and that is a great tragedy. Sometimes I wish we could have transparency in democracy so we could have the benefit of seeing internal party discussions and negotiations.

The Hon. Penny Sharpe: Come to the Labor Party. You are welcome, Abigail. Join us; you are welcome.

Ms ABIGAIL BOYD: I do not know if that is a generous offer. I acknowledge the interjection. I understand that with very large parties there are a lot of people and a lot of views, but what we end up with from a public perspective is just the end result. We do not get to see the deliberations within a particular political party to know how they came to their position. It is different when a conscience vote is allowed because then we get to hear the multitude of views, but we have not had the opportunity to see that from Labor. I know that a great number of Labor Party members wholeheartedly would have supported the original version of the bill. It has been introduced this way because we have divergent views, but it should not be this hard. I am incredibly grateful that we have politicians in this place who have nonetheless worked to get to that point. I pay my respects to them and express my great gratitude to the member for Sydney.

That said, I also know—and my colleague knows because of all the phone calls and everything she has been getting—how hard this is. Even though we are getting great changes through today—I am assuming the bill will be passed because I really do not think I could cope if it did not—there is so much more to do. Every single step is excruciating. I say to people who are watching this debate, thank you. I am sorry—really sorry—that it has to be this hard every time. I am really sorry every time there is erasure of intersex terms in debates as though the biological evidence does not exist.

I am sorry to all of the sex workers that I know and love, who I have spent years working with and advocating on behalf of in this place, and who constantly get referred to in negative and discriminatory ways. I am sad we did not get the anti-discrimination changes up, which would have made a real difference to remove the stigma that sex workers face. I am sorry that the lack of protection continues to put them at greater risk when they are going about their job. Everyone deserves to be safe at work and that includes sex workers. Sex work is work.

I also want to express my sorrow and let them know that I see the whole trans community, in particular the trans women. It is trans women in particular who bear the load when it comes to the debates that are had in public around trans rights. Trans people are some of the most vulnerable in our society when the rates of suicide and health issues are considered. The idea that society would hold trans people up and attack them in the way that I see them being attacked by the Opposition is just heartbreaking. It is already so hard to be a trans woman in our society. As a true feminist and a very proud bisexual woman, I declare that none of us is free until all of us are free.

To call yourself a feminist and say that you are somehow worried about women but then not include all women is really quite extraordinary. A lot of it seems to be based on a really old-fashioned understanding of biology. There is an ignorance in not accepting the realities of the situation but I honestly want to give people the benefit of the doubt and actually address one of the main issues. As I was coming in yesterday there was a man outside yelling at me. He said, "If I identified as giraffe, you'd put me in a mental asylum, but if I say I identify as a woman then you'll let me into a woman's bathroom," or words to that effect. I do not want to give any credit to that argument but I am going to give the benefit of the doubt and accept that people actually view it as a valid argument. Then I am going to try to explain why it is ridiculous.

Firstly, let's think about the idea that someone is automatically in danger in a toilet. When I go into a bathroom—whether it be a unisex, a male-female or an all-gender bathroom—I do not think that I am in any particular danger from anybody around me when I am in the cubicle. I do not understand what the idea is. If there is somebody I do not know in the cubicle next door, I do not understand how that is an inherent danger to me. If people are actually saying that men are inherently a danger to women in an enclosed space, that is a different issue. If a man is gaining access to a bathroom to presumably attack a woman or do something else terrible, that is a man wanting to do that. However if it is somebody who identifies as a woman and is a trans woman—is a woman—they are going in there because they are a trans woman. I do not understand why. Is the argument that a trans woman is somehow going to—I do not know. I am really struggling to understand what this could be about.

Secondly, considering what the Hon. Susan Carter said about change rooms, there seems to be a concept that if people are in a shared change room, then all genitals are out, and apparently that is inherently offensive. When I was at school I was very shy about my body so I always went into a cubicle anyway. I do not know why there is a fear that if a trans person was to be in a change room, they would, by virtue of being trans, have their genitals out in a way that other people would not. I honestly do not understand what she is getting at.

Again, I come back to this point: If her concern is that men will attack women, then she talking about men trying, by subterfuge, to get into women-only spaces to attack women. If she is talking about trans women entering a women's space, it is because they are women. If she is saying that trans women are inherently violent or aggressive or are more dangerous than other women, then she is transphobic and a trans-exclusionary radical feminist [TERF]. We need to be clear about that. It is transphobic to be making assumptions about people simply because they are trans. That was my attempt to try to desperately understand that argument so I can say to people who accept it that I have engaged with it but it is patently ridiculous. Those people need to own their own phobic reaction and accept that trans people are not a threat. They are not a threat to me and they are not a threat to other women; they are people going about their own lives like the rest of us.

Finally, when I stand in this place I get a bit concerned because the views are so out of touch with what I think the majority of people have outside of this place. What gives me hope, however, is when I speak with children because they do not have such hang-ups. Children just accept each other, and I love it. When I speak with my children and they talk about their school friends, whether it is how they identify or what pronouns they use, whether they are bi or straight or gay, whether they are autistic or in a wheelchair—whatever it happens to be—my children accept it and say, "That's them."

They do not have the hang-ups and old-fashioned ideas about genitals or about trying to box people into an identity that makes other people comfortable because they are accepting. That gives me hope because the world is changing. Young people get it and the vast majority of people in the world outside this place get it and it is a shame that the people in this place do not. We will keep fighting against the transphobia of those opposite and we will keep standing up for every single member of the queer community. I thank everyone who is standing on our side.

The Hon. JEREMY BUCKINGHAM (16:37): I contribute to debate on the Equality Legislation Amendment (LGBTIQA+) Bill 2024 on behalf of the Legalise Cannabis Party. At the outset I acknowledge that the issues are well ventilated, and the reforms are overdue, so I will make my contribution brief. I start by thanking the member for Sydney, Mr Alex Greenwich, and his staff and all the activists who have, for so long, campaigned for this important reform to remove discrimination and improve the human rights of people in this State. That is of benefit to us all. That is joyous. I am happy about it. It is good news. There seems to be a pall over the Chamber

but it is a great day for the people of New South Wales because they are getting more equality, more justice, more fraternity and more liberty—and all those fantastic things.

I also have joyous news. The Legalise Cannabis Party has been approved to march in next year's mardi gras. We will be marching proud with the LGBTIQ+ community and handing out herbal cheroots because I know the queers love a spliff. On behalf of the Legalise Cannabis Party, there will be a celebratory spliff. But there is more work to do. I recognise that there has been a long, hard discussion between the member for Sydney, advocates and the Government. Not everyone has everything they want, but the work will continue. The Legalise Cannabis Party takes this important win for the queer community.

The bill makes changes to nine pieces of legislation. It is no small task. New South Wales currently requires trans people to undergo surgery in order to change their birth certificate, making it the only State in the country to do so. That will no longer be the case. The Legalise Cannabis Party welcomes that. The bill will remove the requirement that a person undergo surgery before they can change their sex on their birth certificate and, instead, creates an administrative process for it to occur, including a pathway for people under 18, with the consent of their parents, or with an avenue through the courts if a dispute between parents arises. The amendments in the bill will also create a pathway for parentage orders to be made for children born of international commercial surrogacy arrangements when in the best interests of the child.

The bill provides that outing or threatening to out a person in relation to their sexual orientation, variation of sex characteristics, that they live with HIV or that they are or were a sex worker could be a form of intimidation under the Crimes (Domestic and Personal Violence) Act 2007. We see so often in society the bullying that occurs online and the exploitation that leads to many egregious circumstances. It is a big step to make sure that harm is reduced in that area. The bill has implications for the making of apprehended violence orders. It will also remove an outdated offence that prevents a person engaged in sex work from financially supporting others, such as their children or elderly parents, with their earnings. The Legalise Cannabis Party wholeheartedly supports that. The bill will amend the Mental Health Act 2007 to clarify that a person's gender identity and expression of that identity alone do not indicate a mental illness or disorder.

The bill will clarify that it is an aggravating factor in sentencing before the courts if a crime was motivated by hatred of or prejudice against people on the basis of their gender identity or variations in sex characteristics. How anyone could oppose that is beyond me. In June this year the Parliament, on behalf of the people of New South Wales, recognised the wrongs of the past with its historic apology to LGBTIQ+ people on the fortieth anniversary of the decriminalisation of homosexuality. I remember the moving contribution of the Leader of the Government. New South Wales also banned conversion practices this year, which the Legalise Cannabis Party was more than happy to support.

There is an outstanding item of business. Until the NSW Law Reform Commission has conducted its review of the Anti-Discrimination Act 1977, current laws will remain that allow non-government schools rights regarding employment of LGBTIQ+ staff. The Legalise Cannabis Party will continue to advocate for and support reform in that space. We cannot let the perfect be the enemy of the good. We take this win to improve, in many areas, the lives of the queer community and all people in New South Wales, because discrimination and prejudice diminish us all. I commend the bill to the House.

The Hon. EMMA HURST (16:43): I speak in support of the Equality Legislation Amendment (LGBTIQ+) Bill 2023. I am grateful to be in Parliament to witness the passing of such historic legislation. I note that we are yet to vote, but I say "passing" because the bill must pass. The LGBTIQ+ community deserves every protection that is laid out in the bill and more. The bill provides basic human rights that should already be in place. I thank the member for Sydney, Mr Alex Greenwich, for his steadfast work to bring the bill before Parliament. I could only imagine what a toll the debate and the media around it have taken. It is a testament to his resilience and determination to fight for what is right. I also thank his team, particularly Tammie Nardone, and the groups and individuals who have advocated alongside them throughout the process. I also acknowledge Dr Amanda Cohn for her constant advocacy in this space.

I understand the community's concerns for the concessions that have been made in the bill, just as I throw my support behind Mr Alex Greenwich for doing what is needed to pass the bill. I know that he feels the weight of those concessions and has said that it was a heartbreaking decision. That is the feeling across the community, and responsibility for that rests on the shoulders of the Labor Government. But I also know that the passing of the bill provides confidence that we will get there with every aspect that we need to pass in this space. I know that the community, along with the member for Sydney, will keep fighting for the omitted parts of the bill and that one day they will be enshrined in legislation. While the bill before the House is cause for celebration, we are not done yet.

I address some offensive emails received by my office and offensive statements made by opponents to the bill. I have been gobsmacked by claims made about women feeling unsafe, especially when the claims have often been made by cisgender men. To position the bill as a threat to safety reveals a deeply misguided misunderstanding of what is actually being proposed. The bill is about the safety of those members of our community whose safety is most at risk, those who are the most vulnerable to hate, harassment and discrimination. What about the safety of trans women and trans men? What about the safety of non-binary community members? It takes nothing away from a person to be compassionate. Giving others protections and rights takes nothing away from other people. It will only enrich the entire community. Taking away or blocking protections will cause harm. The consequences of failing to protect and respect our communities will have a serious impact.

It is not the content of the bill that is confronting but the fact that we need to fight for the bill in the first place. Ultimately, it comes down to this: The nature of the bill is personal. If the bill is not about you, then opposing it is not your business. One aspect of the debate about this human rights bill that has been truly bizarre is that the people opposed to the bill are worried about how it will affect their lives. That is simple to address: It will not. Providing basic human rights to other people will do nothing to take away theirs. As we saw with the ban on conversion practices, respect, compassion and inclusion will win in the end. It has been one year since the equality bill was introduced and, respectfully, it is time for it to become law. I commend the bill to the House.

The Hon. RACHEL MERTON (16:47): I speak in strong opposition to the Equality Legislation Amendment (LGBTIQA+) Bill 2023. The entire process that the Government has followed in relation to the suddenly amended bill has, quite frankly, been appalling and disingenuous. It has caused grave concern in the community. The Government and the member for Sydney have not acted in good faith. To drop an amended bill of such importance on the Opposition on Saturday night, before finally releasing the true amendments to the bill on the parliamentary website at lunchtime on Tuesday, demonstrates gross disrespect to the Opposition, the legislative and parliamentary process, and the people of New South Wales. The people have a right to know the truth about what the amended bill seeks to do. They have a right to expect genuine scrutiny of a bill that seeks to overturn some fairly fundamental pillars of our identity, like our birth certificates. They have a right to know and receive answers on how the changes will impact areas such as women's and girls' services, spaces and sport.

The bill is a tawdry wedge politic. This is a disrespectful attempt to ram through the bill and amendments with as little scrutiny as possible. Where is the chance for the Opposition to consult with the community on the amended bill? On my arrival to the New South Wales Parliament this morning, I was reminded of it again, with women standing out the front highly concerned. They have banners and flyers. They are talking about the consequences of the bill. They are asking me, "Does the Parliament understand what it's voting on and what is being presented to it?" A lot of them identified as members of the Labor Party, The Greens or former members of both parties. I wonder whether they have been listened to. The Women's Rights Network Australia were one of the groups that I met with this morning. They are thanking the Liberal Party for taking a stand and calling some of that out. They recognise the role the Opposition plays in Parliament.

The absence of an explanation from the member and the Government about the timing of the latest amendments has people asking questions why the amended bill needs to be rammed through Parliament this week. Others are asking whether the current political environment explains the timing, given three by-elections are scheduled for this Saturday, in Hornsby, Epping and Pittwater. The Labor Government is not contesting one by-election. They are missing. Their seats are vacant. They are shutting the doors and will not contest. They are putting the bill through, but they will not be judged on it. They will not confront the people.

As my friend in the other place the member for Wahroonga stated, it is extraordinary that the Attorney General contributed to the second reading debate on behalf of the Minns Labor Government on a form of the bill that was not publicly available at the time he spoke because he finished his contribution prior to question time. How is that for transparency? How is that for doing the right thing? As for the amended bill, it remains highly concerning and unacceptable. The sex self-identification changes flagged in the bill are dangerous and far-reaching. I have spoken on some of those matters in this place before in relation to the impact on women's sport, women's services and women's spaces.

In relation to sport, biological males will be able to compete against women and girls with all the risks to safety that entails. The bill will strip back the few protections that female athletes still have in women's sport in New South Wales. We recently saw in the media the dominance of the Flying Bats in the North West Sydney Football League. At least five biological males totally dominated the female competition and won the premiership. Allowing biological males to participate in women's and girls' sport risks unfair advantage. Biological males possess physical advantages such as greater muscle mass, strength and speed. Quite simply, allowing biological males to compete in girls' and women's sport may lead to fewer opportunities for biological women and girls.

I refer to the Hon. Susan Carter's comments on women's sport. Allowing individuals to alter their legal sex simply by self-identification destabilises essential protections based on biological sex, such as those in women's

shelters, sports and prisons. Those spaces have been carved out to ensure safety and fairness for women. The bill, with its radical and reckless provisions, will lead to that erosion. I am deeply concerned about the potential for biological men to access spaces reserved for women on the basis of a declaration without surgical or hormonal transition.

A birth certificate is a historical record of fact. The bill will throw its key role in the bin when sex can be legally changed with nothing more than a unilateral stroke of the pen. Gender self-identification will be allowed to override the reality of biological sex. A subjective perception of sex is no basis on which to administer identity documents in this State. As a woman and as a mother of young girls, I speak with certainty that we are about to open the floodgates to confusion and legal chaos. If sex can be changed at the stroke of a pen, we undermine the very concept of biological truth and fairness. The consequences will ripple across society from education, where children are taught that sex is changeable and not fixed, to law enforcement, where violent offenders could potentially exploit the legislation for access to spaces they should never enter.

The legislation prioritises ideology over reality, endangering the rights and safety of women and girls. We have already seen women's spaces, women's services and women's sports eroded under the existing law. The bill will take us further down a road where the rights of women and girls are cast aside. I cannot support it. I cannot support the further undermining of the rights of women and girls, which is exactly what the bill will do. We have already seen that women who have spoken against legislative reform like those flagged in the bill have not had the opportunity of consultation. When we look at the committee process behind the bill, the selection of witnesses was select, inadequate, short and limited.

The cost of challenging the idea that biological men should have access to women's sport and women's spaces remains a concern to the community, to families and to parents. The costs will inevitably increase should the bill become law. I pay tribute to organisations and groups like Women's Forum Australia and its Chief Executive, Rachael Wong, and to Dr Joanna Howe, Professor of law at the University of Adelaide, for their work, courage, representation and communication in standing up for the rights of women and girls. I pay particular credit to my parliamentary colleagues for their enormous work and consideration of the bill: the Hon. Alister Henskens, SC, MP, shadow Attorney General; and the Hon. Susan Carter, shadow Assistant Minister for Attorney General. Members could particularly understand the cost and consequence of the bill after the contribution of the Hon Susan Carter in terms of her time spent considering what the bill means.

I strongly oppose the bill and urge others to consider the long-term ramifications of endorsing sex self-identification without accountability, reason or due diligence. The changes proposed in the bill would undermine the rights, safety, dignity and privacy of women across New South Wales. We have witnessed the decline of those rights under existing law. It is time we draw a line in the sand and say enough is enough. It is time to stop the erosion of women's sex-based rights. I register my strong opposition to the bill.

The Hon. JACQUI MUNRO (16:57): The Equality Legislation Amendment (LGBTIQA+) Bill 2024 is not a perfect bill. Some say it goes too far. Others, including 2GB's Chris O'Keefe, say it does not go far enough. The process of the bill coming to Parliament has been far from perfect. While I appreciate the member for Sydney in the other place has been working on it for a long time with a consultative approach, it has been challenging to appropriately consider the final bill when amendments were not formally available until midday yesterday. The Government's almost year-long delay on it has clearly contributed to the confusion.

The manner of the bill's introduction to Parliament as an omnibus bill means that the range of topics, some highly contested, cannot be considered individually. I contend that would have been more appropriate, given the gravity of some of the changes and the need for appropriate consideration of the further amendments moved yesterday to receive support from the Government. Nevertheless, here we are. What makes the bill particularly challenging to consider is that it deals with the rights of both individuals and members of groups and tribes: women, trans women, parents, children, religious and incarcerated. Perceived or real, the bill has brought up threats to people's sense of security and respect, and the fear that overlapping rights will diminish an existing sense of self, identity and security. I will cover the matters of birth certificate changes, commercial surrogacy, sex workers and people living with HIV/AIDS.

It is obviously true to say that women have been fighting for space and safe spaces in society for decades, centuries—let's say millennia. I honour the struggles and successes of the women who have gone before me. I appreciate their fight to expand our society so that women have opportunities and freedoms, not just like men, but for our own liberty, expression and comfort. I aim to contribute to that legacy. I want to protect the safety, security and strength of women. I feel powerfully that women have so many ways to demonstrate our strength in the world. Now the question we face, as women, is how we share those spaces with people who are different again yet strive for acceptance, and how we accommodate additional nuance in our communities, whether gendered or otherwise. What role does a piece of paper—government recognition—mean for a sense of acceptance and comfort?

We have been through the marriage equality campaign. At the beginning of that campaign, I was not an ardent supporter of marriage as an institution, but by the end I truly understood the importance of an institution like marriage as a public declaration and ritual around a union that is publicly recognised, including by the Government. In my view, it was the best of liberalism, which extended a tradition and modernised it for the world we live in today. It is an important piece of paper for those it affects, yet it is very rarely interrogated by others.

Of course, gender identity is more complex. I think it is harder to reckon with the idea that one might feel they are born in the wrong body than it is to imagine that someone loves another person of the same gender. It is honestly hard for me to fathom because I only know the experience of feeling like, and being born as, a woman. But I am not gender dysphoric. I do not identify in that way. Regardless of whether I fathom it, I see that there are people who experience gender dysphoria. I do not think that it is a choice or that people should be denied its reality—their reality.

I acknowledge the complexity of the discussion around transgender matters. There is a huge variety of experience within the trans community about what being trans means and how that is represented. As a non-trans person, it can feel hard to say the correct thing, and sometimes it can feel very easy to say the wrong thing. But I hope that does not prevent my earnest attempt to engage, also knowing that my observation does not excuse criticism of people who say very wrong things. Promoting unreasonable tirades based in bigotry is outright harmful, but maligning reasonable discussion about complex issues, such as the inclusion of transgender people in sport or safety based on physicality, is not going to help any cause either. In a clichéd but heartfelt mea culpa along the lines of "some of my best friends are trans", I sincerely acknowledge the strength and vulnerability of my transgender friends and family members. I will always do my best to respect them.

How do we accommodate people who share their experience of being born in the wrong body and ask for help to live in this world we share? How do we destigmatise being transgender? I fear that what society is largely doing now—excluding, sometimes attacking and, at some of the most vulnerable times, ignoring transgender people, who experience high rates of suicide, poor mental health and victimhood—will not improve without some legal recognition of the true experience of trans people of being compelled to identify with a different gender to the sex they were born into.

We do not have good data on the number of trans people in Australia or New South Wales. In 2021 the non-binary sex option on the census form was marked by 43,220 respondents, or approximately 0.17 per cent of the Australian population—up significantly from the 2016 census, which recorded just 1,260 people. It is a huge jump, and I suspect it reflects a social tendency to consider that changing one's gender might be a solution to an uncomfortableness or distress, whether social, physical or psychological. It seems particularly prevalent amongst younger people, though the census does not reveal the age of respondents who marked non-binary. And, of course, "non-binary" is not a term that necessarily captures people who are transgender.

I hear from friends who are parents about dealing with questions of gender identity with their children, usually aged around 10 or above. At the rates we are seeing, it seems to be a fairly new phenomenon. Generally, I believe that gender fluidity and expression without medicalisation or formalised labels can and should be accepted without fuss, particularly for young people questioning their gender identity. I say it again, because I think it is important: I believe that gender fluidity and expression without medicalisation or formalised labels can and should be accepted without fuss.

Some gender norms can confine us—particularly women—to gendered power imbalances, a stunted sense of identity and a limited ambition in the world for ourselves as individuals, as much as in groups. Seeking a sense of certainty and control in the world is always an enticing furphy, but exploring the different aspects of our identity at all ages can and should be a curious, fun and perhaps sometimes slightly terrifying experience. I strongly believe it should be encouraged in a safe, respectful and compassionate way. Gender identity is not everything, but it can form a big part of how we see ourselves and our role in the world.

I stress that all of that does not conflict with my view that true gender dysphoria and transgenderism are very real and are currently associated with some shocking statistics. According to research collected by the Australian Institute of Health and Welfare, a 2017-18 survey of Australian trans adults found that 43 per cent of participants had attempted suicide in their lifetimes. In 2016 the Trans Pathways survey of Australian trans young people aged 14 to 25 reported that 48.1 per cent of participants had attempted suicide. Those are terrible figures, with our fellow Australians' stories behind them. A 2021 Zwickl study concluded that suicidality is associated with desiring gender-affirming surgery in the future, gender-based victimisation and institutionalised cissexism. Interventions to increase social inclusion, reduce transphobia and enable access to gender-affirming care, particularly surgical interventions, are potential areas of intervention. The bill reflects some of those suggested interventions to reduce suicidality and other social harms for transgender people.

Do I have reservations and fears that people will exploit this system? I have fears about people exploiting our social systems and legal programs every day, including that certain people will seek to impose upon others, particularly women, for their own ends. That obviously and horribly already exists, unfortunately, routinely at the hands of current or former intimate partners. However, I am not convinced that in Australia it happens routinely, systemically or commonly at the hands of trans women or trans men. I understand that there is no published data on complaints or prosecutions in Victoria, where changes to birth certificates have been legal for five years, because there have been zero complaints and prosecutions. I have been told that the Victorian Equal Opportunity and Human Rights Commissioner has said that there had been no complaints in Victoria since instituting the law and no prosecutions or formal allegations along those lines.

Discretion in decision-making around women's spaces is still a reasonable part of our legal and social frameworks. For example, in New South Wales prisons, a person who self-identifies as transgender has the right to be housed in a correctional centre appropriate to their gender of identification, unless it is determined through classification that the transgender person should more appropriately be assigned to a correctional centre of their biological gender. Unfortunately, the reality is that a 2022 Australian study found that transgender and gender diverse people are the ones who face systemic abuse in Victoria's criminal justice system. Published in the *International Journal for Crime, Justice and Social Democracy*, the La Trobe University study of 42 participants shows that transgender and gender diverse people have been subjected to sexual and physical violence, harassment, abuse and neglect in all areas of the criminal legal system, especially in prisons. When I have spoken to Domestic Violence NSW, they have told me that their member organisations, who provide services every day to some of our most vulnerable women, including trans women, always deal with admissions to their services on a case-by-case basis. The bill would not change that, and that is appropriate.

I have never been asked for my birth certificate to enter public spaces like women's bathrooms. I note that obscene exposure is still a criminal offence, which states, "A person shall not, in or within view from a public place or a school, wilfully and obscenely expose his or her person." In dealing with issues like the Coogee women's baths, which gained some media coverage a couple of years ago due to questions of access, I understand from public reports that community members are now engaging with a range of organisations and individuals, including the trans community, the Muslim women's association, the Council of Jewish Women and the Swifts netball team, to manage everybody's needs and wants, and make the pool as welcoming and inclusive as possible. These are human-scale problems and there are human-scale opportunities to engage with and expand the spaces available to us all. We have to work together if we are going to deal with our shared reality.

The process for changing a birth certificate under the bill requires a statutory declaration to be made. Knowingly falsifying such a declaration carries a penalty of five years in prison. That is a serious offence. Perhaps there are other approaches that could be taken, like in other States, such as distinguishing between a birth certificate as a historical document and an identity document for contemporary use, or including additional options in the sex descriptor on a birth certificate like "transgender female" or "transgender male". Perhaps those questions could have been addressed more fulsomely with a better process of amendments through Parliament. I also note the opening statement of the *Australian Government Guidelines on the Recognition of Sex and Gender* adopted in 2013 under the Abbott Coalition Government:

The Australian Government recognises that individuals may identify and be recognised within the community as a gender other than the sex they were assigned at birth or during infancy, or as a gender which is not exclusively male or female. This should be recognised and reflected in their personal records held by Australian Government departments and agencies.

This is the same document that reflected the change to passports and that people could identify as a gender different to the one they were born with on a formal government document. Ultimately, I want a world where the stigma associated with being transgender dissipates and is gone. I know that transitioning has changed the life of my cousin, who is now happier, more vibrant and more comfortable in the world. I also want to live in a world where being a woman is celebrated and is not an inherent safety risk.

I have said before in this place that some people care about other people's sexuality far too much, and I would argue that the same can be said for caring about other people's genitalia. However, I do not want to be flippant. People who have experienced trauma and feel vulnerable around certain bodies should also feel safe and protected. We must all come at this with a deep sense of respect and compassion for personal experiences. This is a human-scale experience and interaction with others, which we may not ever understand fully from another's perspective. Discussions about gender go to the heart of a deeply human experience.

I acknowledge that commercial surrogacy is clearly happening. Many of us are aware of Australians engaged in this process, who want to start a loving family despite the barriers. However, data on arrangements is limited to non-existent. In 2016 the New South Wales Government made a submission to a Federal parliamentary inquiry stating that there is no reliable data on the number of children in New South Wales born as a result of international surrogacy arrangements. That issue affects a range of people including same-sex and heterosexual

couples and individuals but, most importantly, the children who are left in legal limbo without appropriate parentage orders to grant them access to recognition, benefits and legal protections. Those are the people we need to protect most. Children should not be limited in their opportunities because of the decisions of their adoptive parents.

Given the reality of our system, where people are clearly engaging in commercial surrogacy arrangements with other countries, I suggest that it would have been preferable to utilise the resources of the Modern Slavery Committee recommendations and commissioner to determine a list of well-regulated jurisdictions like Canada and a list of poorly regulated jurisdictions where exploitation is a risk so that Australian couples or individuals could feel more confident engaging with an international process of commercial surrogacy.

Regarding updates to the sex worker provisions around dependence and coercion, we now no longer have the amendment relating to coercion, but my understanding is that those amendments were sought by stakeholders, including the Scarlet Alliance, with moving testimony of those with lived experience provided to the parliamentary committee which examined the equality bill. Finally, I believe that the definitional updates to the old term "HIV infected" are reasonable and appropriate for those living with HIV/AIDS today. Seeking to destigmatise health conditions is always a good thing. I will never say that those matters are easy to grapple with. The reality is that there are significant differences of opinion on this challenging bill, and I believe we have a responsibility to tackle them together.

I thank the very wide range of stakeholders, groups and individuals who reached out, met with me, called and had conversations. I truly appreciate all of their time, interest and engagement. Most importantly, I do not believe we should demonise difference or act in bad faith when considering matters like this. Although a piece of paper can make a difference to an individual, we cannot rely on legislation to effect widespread change in attitudes and behaviours without social engagement. The only way through is to continue to meaningfully engage respectfully and keep talking on a fundamentally human scale in our communities. Finally, I sincerely acknowledge the strength and vulnerability of my transgender friends and family members. Anyone who is trans or who is thinking about what trans means and needs to talk to someone safe should get in touch with a GP or call a helpline like Beyond Blue or QLife. Life is not always easy, but there is hope and joy in life. You are not alone.

The Hon. ROD ROBERTS (17:13): I contribute to debate on the Equality Legislation Amendment (LGBTIQA+) Bill 2023 and say from the outset that I do not support the bill. Much has already been said by others, so I am going to limit my remarks to the concerns I have surrounding the area of sex self-identification and the real-world implications of that for vulnerable women and girls. In particular, I draw the attention of members to new section 32H, which states that any change to the sex record under this part means that a person is legally of the sex that has been changed to.

They say the pen is mightier than the sword, and with those few words, the bill effectively eradicates female-only spaces in New South Wales by allowing biological men to self-identify their way into female-only activities, spaces, services and events, including bathrooms, changing rooms, fitting rooms, rape and domestic violence refuges, hospital wards, schools, accommodation, gyms, swimming pools, prisons and, as we saw in Tasmania, even lesbian events. Armed only with a statutory declaration, a personal reference and a completed form to the NSW Registry of Births, Deaths and Marriages, this bill gives licence to biological men to self-identify as a woman and gain access to some of our State's most vulnerable women.

Research by the Australian Institute of Health and Welfare in 2022 found that one in six Australian women experienced physical or sexual violence, which is the primary reason women and children leave their homes to seek safety elsewhere. Many of those vulnerable women and children flee to the security of women's refuges, a service run by women for women. It is not difficult to understand why women who have suffered abuse at the hands of men may need to access a women's-only space or services to begin to heal from their trauma. They are rightly cautious and even fearful of predatory and violent men. This bill compels those women and children to share their safe spaces with any biological male who self-identifies as a woman.

The facts are these: Male patterns of criminality do not dissolve simply because of a piece of paper. A 30-year-long research project in Sweden concluded that trans women retain male rates and patterns of criminality, including the propensity for violent offences against women and children. Indeed, a 2022 report by the United Nations special rapporteur on violence against women and children warned of the potential risk of sexual predators abusing the ability to self-identify as women. It is also worth noting that more than 70 per cent of male to female transgender prisoners in British jails are currently serving sentences for sex offences or violent crimes. This bill is allowing potential foxes into the proverbial henhouse.

How is that compatible with the New South Wales Government's endorsement of the National Plan to End Violence against Women and Children 2022–2032? How is it compatible with the Government's \$38.3 million *Pathways to Prevention: NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024–2028*?

How could any member support this bill and then participate in a White Ribbon say no to violence against women march or event? This bill increases the risk to the most vulnerable women and children in our society. It does not just open the door to women's refuges; it takes the door off the hinges and puts out a welcome mat to those who potentially wish to do women harm. For that reason, I cannot in good conscience support the bill. I urge all members to join with me in the defence of women and girls and vote against this bill.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:18): In reply: I thank everyone who contributed to this debate. It is not always an easy debate to listen to, but I acknowledge that people have deeply held views, and I do not think anyone has bad intent in the way they think about this. We disagree, but we are allowed to disagree with each other, and we move on. I will briefly address some of the matters raised during the debate. At the outset, I make it clear that this bill does not change anything in relation to how organisations appropriately regulate people's involvement in sport. It does not change anything in relation to how schools operate, nor the existing policies and procedures that govern how correctional centres operate.

I have a lot of respect for the Hon. Rod Roberts, but his contribution was absolutely incorrect. The bill does not legalise commercial surrogacy, which is still an offence. It does not allow parenting orders to be made without appropriate safeguards in place. The bill makes appropriate updates and improvements to legislation that strike a balance between supporting the LGBTIQ+ community and respecting the diverse beliefs that exist across our New South Wales community.

The Hon. Susan Carter made a number of claims about the reforms that I wish to correct for the record. First, in relation to the repeal of section 15 of the Summary Offences Act 1988, we again heard the claim that the bill would open the door to pimping and other exploitative conduct. As I said in my second reading speech, that is not the case. A range of other offences will continue to apply, including where coercion is used or where—as raised by both the Hon. Susan Carter and the shadow Attorney General—drugs are used as an enticement to engage in prostitution. I note that the majority of States and Territories have removed the equivalent offences. This repeal is a commonsense change.

Opposition members spoke about the changes to the Surrogacy Act and claimed that the amendments in the bill would facilitate commercial surrogacy and would not adequately protect against modern slavery risks. That is not the case. As I have said, the ban on commercial surrogacy remains in place. It is still an offence. The bill does not promote commercial surrogacy; it preserves the existing criminal offences, both domestically and internationally. The bill allows parenting orders to be made in relation to children born through overseas commercial surrogacy arrangements, which allows those children to be recognised by the parents they live with in this State—the parents who love them.

These are really complicated issues, and the Hon. Susan Carter raised some serious concerns that I also share. However, there are children living here with loving families that do not have the protection of the parenting arrangements that every other child in the State has. We are also talking about very small numbers. The concern that somehow the doors would be opened and people would rush through is just not valid. The best available figures show that in 2021-22 there were around 213 such arrangements for children across all of Australia. The bill considers what is in the best interests of those children.

I make this point about the history of these issues. Back in the day, if the parents were not married, the child was considered a bastard and did not get the normal protections. We changed that because it was unfair. It was not right. When I first came to this Parliament, I was not recognised as the parent of my children because people did not approve of same-sex couples having children. Now we recognise that those children exist in good, loving families, and that should be dealt with. That is what we are trying to achieve here.

No-one is trying to duck the challenges around commercial surrogacy. No-one is trying to duck the serious issues raised by the Anti-slavery Commissioner. I do not think one member of this House believes those issues are being ignored. The bill simply provides a very narrow pathway for a very small number of children to be recognised by the parents who love them and to have the proper protections that every other child in the State has. That is really important. I reject the idea that the bill opens up the floodgates. We have to deal with those issues, and they will be picked up in the review, as they should be.

The bill retains protections against exploitation and human trafficking by preserving both the current preconditions for making a parentage order and the existing offences. Those preconditions are all designed to protect the birth parents and minimise the risk of exploitation. In particular, there remains a mandatory precondition around the consent of the birth parents, unless they have died, lost capacity or cannot be located after reasonable endeavours; a mandatory precondition about the surrogacy arrangement being a pre-conception agreement; a precondition about the birth being registered; and preconditions around the parties obtaining counselling and legal advice.

The Opposition and the Libertarian Party raised concerns about the changes to the Births, Deaths and Marriages Registration Act. There are concerns about the impact on women-only spaces. The inclusion of trans and gender diverse people in single-sex spaces is dealt with under New South Wales law by the Anti-Discrimination Act and the Sex Discrimination Act. The bill does not make changes to the Anti-Discrimination Act; those changes have been omitted. The bill does not impact on women's rights. It does not change the current situation in relation to single-sex spaces or somehow create different rules about whether people can enter certain bathrooms. Those suggestions are not true.

The Anti-Discrimination Act already makes discrimination on transgender grounds unlawful. The prohibitions on discrimination already extend to persons who have not undergone gender reassignment surgery. There is nothing to be scared of. Activity conducted in single-sex spaces is also clearly subject to the applicable laws, and that will not change. For example, if the entry into a single-sex facility was for the purposes of voyeurism or to commit sexual assault, that would be a criminal offence. The bill does not change that. That would be the case regardless of what sex is recorded on a person's birth certificate.

I acknowledge the comments of Ms Abigail Boyd and the Hon. Jacqui Munro. I have friends who are quite masculine-presenting who have been challenged when going to the toilet in a shopping centre by people suggesting that they should not be there. Some of the implications of this debate are making life challenging for a lot of people who members have perhaps not thought about. I also make the point that trans women just want to go to the toilet. They want to get into the cubicle. People who know women's toilets know that there is no open space; there is a cubicle—you go in, you do your business and you leave. There is no threat there.

There are other threats to women in public spaces all the time. There are threats to women in their homes and in their workplaces, and that is something that we should challenge. I think all members agree on that. But some of the views on single-sex spaces are just not right, and they create a level of fear. There are unintended consequences where people are being challenged when they just want to go to the toilet in a public facility. I do not think anyone really wants that to happen. Members do not have to take my word on that. Experts, peak bodies and government agencies have consistently found that there is a lack of evidence suggesting that the safety of women and girls is compromised by allowing trans and gender diverse people to self-identify their sex.

The bill does not change the current position in relation to the participation of people in sport. The inclusion of trans and gender diverse people in sport is a matter to be dealt with by individual sporting organisations, having regard to relevant discrimination legislation. That is the case now and it will not change under the bill. To suggest otherwise is simply untrue. The Anti-Discrimination Act already provides an exemption to allow the lawful exclusion of transgender people from participation in sports for members of the sex with which the transgender person identifies. The bill makes no changes to that Act, which is under review by the NSW Law Reform Commission.

I give a shout-out to a number of sporting organisations, and in particular to the one sport that I like to watch—and would like to participate in, but I am not very good at it—which is roller derby. It is the most inclusive sport in New South Wales. All genders are welcome; every person who wants to show up can participate. The social benefits to being a part of that should not be underestimated. Again, there has been a lot of fearmongering. We are dealing with a problem that does not exist. The sporting codes are working through those issues carefully. Obviously, the discussions will continue, but it should be understood that nothing will be different as a result of this bill.

I note that the Libertarian Party objected to the inclusion of a provision that states that outing a person may be a form of harassment under the definition of intimidation. The Government supports that provision because outing is a tactic used to cause LGBTIQ+ people harm and fear, particularly in circumstances of domestic abuse. Importantly, that amendment will flow into frameworks responding to domestic abuse, including apprehended violence orders and the coercive control offence. Outing is also a very serious issue for sex workers. Sex workers suffer some of the highest rates of sexual assault and intimidation, and they are regularly threatened with being outed. The small but very important protection in the bill acknowledges the terror that some sex workers have to live under.

The effect of the reforms is that once a person updates their registered sex, they are taken to be a person of that sex for the purposes of, but subject to, a law of New South Wales. Generally speaking, that means that where other legislation refers to "sex", a trans or gender diverse person is to be treated, for the purpose of that law, in accordance with the sex as altered by the registrar. The words "but subject to" will allow for an express contrary intent to be expressed in other legislation. The Hon. John Ruddick also spoke about medical treatment of trans and gender diverse children and young people. The amendments to the Births, Deaths and Marriages Registration Act made by the equality bill do not alter the law on who can consent to medical treatment for a young person seeking gender-affirming care.

Trans people who want to be recognised for the gender that they are do not do this overnight, on a whim or because it is easy. They do it because it is who they are. It is the same for kids. Children going through this face a long and difficult process. To suggest that someone walks in the door and overnight this happens is simply not true. New South Wales has strict protocols and protections in place to make sure that all children are looked after properly and have their issues medically responded to, and also that their parents and others are able to be a part of the decision-making. All this bill does is make it a little bit easier for kids who are in real distress over who they are and their ability to express themselves in the future. There is no harm in this. The protections are right, and this will be better for the kids.

The provisions that were in the bill relating to gender-affirming care have been omitted because we already have a system in New South Wales. It is currently a matter between doctors, children and their parents, which is as it should be. Any amendments to the Births, Deaths and Marriages Registration Act will not affect the ethical or professional codes and standards set out in existing regulations and by relevant health professional organisations. Health practitioners have existing obligations to act ethically and in accordance with existing law, professional codes and standards. This bill has taken a long time to get here. It has not been rushed, and there has been a lot of discussion. Disagreement remains, and I do not think that disagreement will actually change. Passing this bill today makes New South Wales a safer and more inclusive place for more people.

I will now place on record my thanks to a number of people who helped get us here today. I thank the Parliamentary Counsel, Annette O'Callaghan, and her hard-working team. They have always remained professional with all of the members of Parliament, despite the number of amendments and back-and-forth moves. We will deal with the amendments soon, but I note that Annette drafted them as well. I thank the many public servants who worked on this bill from the Department of Communities and Justice, the Cabinet Office and Health. We could not have done this without their technical support and advice. I also thank the ministerial staff, who will be pleased that I leave them unnamed. They have done incredible work to assist in bringing this bill forward.

I thank Alex Greenwich and Tammie Nardone for their incredible work, which was challenging both personally and for their office. It is also challenging to deal with the Government, as we are not always easy to deal with. However, they were professional and calm throughout. I really appreciated that, and I know the entire Government did too. The door is always open for future discussion. I also thank all of the community groups, faith groups and others for their input into the development of the bill. As I have said, I know that some do not support this bill, but the bill is better as a result of everybody's input. The Government engaged in good faith and open dialogue with all groups who had a view. This is a feature of all good legislation.

Some people are disappointed that the bill does not include the changes that they wish to see. There will be ways to revisit these issues, and that is the way that this progress has always happened. Over the past 40 years of history in this area of reform, we have gone a long way forward and sometimes we go a little bit backwards, but we always come around again. People have different views, and I encourage them all to engage with the surrogacy review, summary offences review and the Law Reform Commission. This is the way that laws are made, and I encourage everyone who has a view, no matter what that view is, to engage and be a part of this.

This bill does not affect a lot of people, but it does affect those sitting in the gallery today. They include representatives from ACON, Equality Australia, Trans Pride, Sex Workers Outreach Project, Rainbow Families and many others. I particularly want to acknowledge Heike Fabig and Richard Boele. Bodhi did not get to change their birth certificate, but it is because of you that we are here today. I also thank Carlie and Joshua Morris. Our kids deserve the best parents they can get, and there are no better parents than those who advocate for trans kids and do all the hard yards. I want to thank Kate Toyer and Jasmine Nightingale, who have told their stories. I thank everyone who heard those stories, and humanely understood that this bill makes it a little bit better for everyone affected and does not affect others at all. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

The House divided.

Ayes17
Noes13
Majority.....4

AYES

| | | |
|------------|----------|-----------------|
| Boyd | Houssou | Murphy (teller) |
| Buckingham | Hurst | Nanva (teller) |
| Cohn | Jackson | Primrose |
| D'Adam | Kaine | Sharpe |
| Faehrmann | Lawrence | Suvaal |

AYES

Higginson

Mookhey

NOES

Borsak
Carter
Farlow (teller)
Latham
MacDonald

Maclaren-Jones (teller)
Merton
Mihailuk
Rath

Roberts
Ruddick
Tudehope
Ward

PAIRS

Buttigieg
Donnelly
Graham
Moriarty

Munro
Mitchell
Barrett
Fang

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have seven sheets of amendments: The Greens amendments Nos 1 to 15 on sheet c2024-194C; The Greens amendment No. 1 on sheet c2024-193A; The Greens amendment No. 1 on sheet c2024-191A; Libertarian Party amendments Nos 1 and 2 on sheet c2024-195; The Greens amendments Nos 1 to 5 on sheet c2024-189A; Libertarian Party amendments Nos 1 and 2 on sheet c2024-192A; and Libertarian Party amendment No. 1 on sheet c2024-190A. In accordance with where the amendments fit in the bill, I invite Ms Abigail Boyd to move The Greens amendments on sheet c2024-189A.

Ms ABIGAIL BOYD (17:47): By leave: I move The Greens amendments Nos 1 to 5 on sheet c2024-189A in globo:

No. 1 **Amendment of Anti-Discrimination Act 1977**

Page 2. Insert after line 7—

Schedule 1AA Amendment of Anti-Discrimination Act 1977 No 48

Part 4H

Insert before Part 5—

Part 4H Discrimination on ground of sex work

Division 1 General

50AA Definitions

In this part—

public act includes—

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and
- (b) any other conduct observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, and
- (c) the distribution or dissemination of any matter to the public with knowledge the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of—
 - (i) a person on the ground the person is, or has been, a sex worker, or
 - (ii) a group of persons on the ground the members of the group are, or have been, sex workers.

sex worker means a person who provides sexual services on a commercial basis.

50AB What constitutes discrimination on ground of sex work

- (1) A person (*the perpetrator*) discriminates against another person (*the aggrieved person*) on the ground of the person is, or has been, a sex worker if the perpetrator—

- (a) on the ground of the aggrieved person is, or has been, a sex worker or a relative or associate of the aggrieved person is, or has been, a sex worker, treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who the perpetrator did not think is, or had been, a sex worker or who does not have a relative or associate who the perpetrator did not think is, or had been, a sex worker, or
- (b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons who are, or have not been, a sex worker, or who do not have a relative or associate who is, or has been, a sex worker, comply or are able to comply, being a requirement which is not reasonable having regard to the circumstances and with which the aggrieved person does not or is not able to comply.
- (2) For subsection (1)(a), something is done on the ground a person is, or has been, a sex worker if it is done on any of the following grounds—
 - (a) the person is, or has been, a sex worker,
 - (b) a characteristic that appertains generally to sex workers,
 - (c) a characteristic that is generally imputed to sex workers.

Division 2 Discrimination in work

50AC Discrimination against applicants and employees

- (1) It is unlawful for an employer to discriminate against a person on the ground the person is, or has been, a sex worker—
 - (a) in the arrangements the employer makes for the purpose of determining who should be offered employment, or
 - (b) in determining who should be offered employment, or
 - (c) in the terms on which employment is offered.
- (2) It is unlawful for an employer to discriminate against an employee on the ground the person is, or has been, a sex worker—
 - (a) in the terms or conditions of employment that are afforded to the employee, or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment, or
 - (c) by dismissing the employee or subjecting the employee to any other detriment.
- (3) Subsections (1) and (2) do not apply to employment—
 - (a) for the purposes of a private household, or
 - (b) if the number of persons employed by the employer, disregarding any persons employed within the employer's private household, does not exceed 5.
 - (4) For subsection (3)(b), a corporation (*first corporation*) is regarded as the employer of the employees of another corporation which, in relation to the first corporation, is a related body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth.

50AD Discrimination against commission agents

- (1) It is unlawful for a principal to discriminate against a person on the ground the person is, or has been, a sex worker—
 - (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent, or
 - (b) in determining who should be engaged as a commission agent, or
 - (c) in the terms on which the principal engages the person as a commission agent.
- (2) It is unlawful for a principal to discriminate against a commission agent on the ground the person is, or has been, a sex worker—
 - (a) in the terms or conditions that are afforded to the commission agent, or
 - (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent, or
 - (c) by terminating the commission agent's engagement or subjecting the commission agent to any other detriment.

50AE Discrimination against contract workers

It is unlawful for a principal to discriminate against a contract worker on the ground the person is, or has been, a sex worker—

- (a) in the terms on which the contract worker is allowed to work, or
- (b) by not allowing the contract worker to work or continue to work, or
- (c) by denying the contract worker access, or limiting the contract worker's access, to any benefit associated with the work performed by the contract worker, or
- (d) by subjecting the contract worker to any other detriment.

50AF Partnerships

- (1) It is unlawful for a firm consisting of 6 or more partners, or for any one or more of 6 or more persons proposing to form themselves into a partnership, to discriminate against a person on the ground the person is, or has been, a sex worker—

- (a) in the arrangements made for the purpose of determining who should be offered a position as partner in the firm, or
 - (b) in determining who should be offered a position as partner in the firm,
- or
- (c) in the terms on which the person is offered a position as partner in the firm.

- (2) It is unlawful for a firm consisting of 6 or more partners to discriminate against a partner on the ground the person is, or has been, a sex worker—

- (a) by denying the partner access, or limiting the partner's access, to any benefit arising from membership of the firm,
- or
- (b) by expelling the partner from the firm, or
- (c) by subjecting the partner to any other detriment.

50AG Discrimination by local government councillors

It is unlawful for any member or members of a council of a local government area when acting, whether alone or together, in the course of the member's or members' official functions to discriminate against another member of the council on the ground the person is, or has been, a sex worker.

50AH Industrial organisations

- (1) It is unlawful for an industrial organisation to discriminate on the ground the person is, or has been, a sex worker against a person who is not a member of the industrial organisation—

- (a) by refusing or failing to accept the person's application for membership, or
 - (b) in the terms on which it is prepared to admit the person to membership.

- (2) It is unlawful for an industrial organisation to discriminate against a member of the organisation on the ground the person is, or has been, a sex worker—

- (a) by denying the member access, or limiting the member's access, to any benefit provided by the organisation, or
 - (b) by depriving the member of membership or varying the terms of the membership, or
 - (c) by subjecting the member to any other detriment.

50AI Qualifying bodies

It is unlawful for an authority or a body which is empowered to confer, renew or extend an authorisation or a qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or the engaging in of an occupation to discriminate against a person on the ground the person is, or has been, a sex worker—

- (a) by refusing or failing to confer, renew or extend the authorisation or qualification, or
- (b) in the terms on which it is prepared to confer the authorisation or qualification or to renew or extend the authorisation or qualification, or
- (c) by withdrawing the authorisation or qualification or varying the terms or conditions on which it is held.

50AJ Employment agencies

It is unlawful for an employment agency to discriminate against a person on the ground the person is, or has been, a sex worker—

- (a) by refusing to provide the person with any of its services, or
- (b) in the terms on which it offers to provide the person with any of its services, or
- (c) in the way in which it provides the person with any of its services.

Division 3 Discrimination in other areas

50AK Education

- (1) It is unlawful for an educational authority to discriminate against a person on the ground the person is, or has been, a sex worker—
 - (a) by refusing or failing to accept the person's application for admission as a student, or
 - (b) in the terms on which it is prepared to admit the person as a student.
- (2) It is unlawful for an educational authority to discriminate against a student on the ground the person is, or has been, a sex worker—
 - (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority, or
 - (b) by expelling the student or subjecting the student to any other detriment.

50AL Provision of goods and services

It is unlawful for a person who provides, whether or not for payment, goods or services to discriminate against another person on the ground the person is, or has been, a sex worker—

- (a) by refusing to provide the person with the goods or services, or
- (b) in the terms on which the other person is provided with the goods or services.

50AM Accommodation

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground the person is, or has been, a sex worker—
 - (a) by refusing the person's application for accommodation, or
 - (b) in the terms on which the person offers the other person accommodation, or
 - (c) by deferring the person's application for accommodation or giving the person a lower order of precedence in any list of applicants for that accommodation.
- (2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground the person is, or has been, a sex worker—
 - (a) by denying the person access, or limiting the person's access, to a benefit associated with accommodation occupied by the person, or
 - (b) by evicting the person or subjecting the person to any other detriment.
- (3) Nothing in this section applies to or in respect of the provision of accommodation in premises if—
 - (a) the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside, in the premises, and
 - (b) the accommodation provided in the premises is for no more than 6 persons.

50AN Registered clubs

- (1) It is unlawful for a registered club to discriminate on the ground the person is, or has been, a sex worker against a person who is not a member of the registered club—
 - (a) by refusing or failing to accept the person's application for membership of the club, or
 - (b) in the terms on which it is prepared to admit the person to membership of the club.
- (2) It is unlawful for a registered club to discriminate on the ground the person is, or has been, a sex worker against a member of the registered club—
 - (a) by denying the member access, or limiting the member's access, to any benefit provided by the club, or
 - (b) by depriving the member of membership or varying the terms of the member's membership, or

- (c) by subjecting the member to any other detriment.

Division 4 Vilification on the ground of sex work

50AO Sex work vilification unlawful

- (1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of—
- (a) a person on the ground the person is, or has been, a sex worker, or
 - (b) a group of persons on the ground the members of the group are, or have been, sex workers.
- (2) Nothing in this section renders unlawful—
- (a) a fair report of a public act referred to in subsection (1), or
 - (b) a communication or the distribution or dissemination of any matter on an occasion that would be subject to a defence of absolute privilege, whether under the *Defamation Act 2005* or otherwise, in proceedings for defamation, or
 - (c) a public act, done reasonably and in good faith, for academic, artistic, scientific, research or religious discussion or instruction purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

No. 2 Amendment of Crimes Act 1900

Page 13, Schedule 2. Insert after line 9—

Schedule 2A Amendment of Crimes Act 1900 No 40

[1] Part 3A, Div 8, heading

Omit "or intersex or HIV/AIDS status".

Insert instead ", intersex status, HIV/AIDS or sex work".

[2] Section 93Z, heading

Omit "or intersex or HIV/AIDS status".

Insert instead ", intersex status, HIV/AIDS or sex work".

[3] Section 93Z(1)(f) and (g)

Omit section 93Z(1)(f). Insert instead—

- (f) that the other person, or one or more members of the other group, live with HIV or AIDS,
- (g) that the other person, or one or more members of the group, are or have been sex workers.

[4] Section 93Z(2)

Omit "subsection (1) (a)–(f)". Insert instead "subsection (1)(a)–(g)".

No. 3 Amendment of Crimes (Domestic and Personal Violence) Act 2007

Page 14, Schedule 3. Insert after line 25—

- (d2) the defendant has engaged in conduct amounting to harassment in relation to the protected person being a person who engages, or has engaged, in sex work, or

No. 4 Amendment of Crimes (Domestic and Personal Violence) Act 2007

Page 14, Schedule 3, line 31. Omit "HIV/AIDS.". Insert instead—

HIV/AIDS,

- (e) harassment relating to the protected person being a person who engages, or has engaged, in sex work.

No. 5 Amendment of Summary Offences Act 1988

Page 18, Schedule 7, lines 3 and 4. Omit all words on the lines. Insert instead—

Part 3 Prostitution

Omit the part.

These amendments seek to put back into the bill the provisions in relation to sex work that have been removed. In particular, members will recall that I brought to this place in the last term of Parliament a private member's bill titled the Anti-Discrimination Amendment (Sex Workers) Bill 2020. The substance of that bill has been replicated in the original draft of this bill that was put forward by the member for Sydney. It sought to give protections to sex workers from discrimination, the importance of which was set out at length. There were a lot of conversations

about that within the group of members of the Legislative Council in the last term of Parliament. Notably, there was majority support for that bill.

Reverend the Hon. Fred Nile supported that bill because he understood, even though we come from very different perspectives on a lot of these issues, that when it comes to the health and safety of sex workers—regardless of whether people think that is a profession they would like to undertake—it is legal work like any other work. The idea that someone would be discriminated against because of their line of work results in, not just some unfair and nasty things, but also a real danger to health and safety.

In New South Wales we are proud we decriminalised sex work when we did. When we refer to the statistics since then, they show there has been an incredible improvement and record when it comes to the health and safety of the sex work industry in New South Wales that far exceeds what we have seen in other countries that have not decriminalised sex work. That goes for things like rapes and sexually transmitted diseases. Sex workers have high rates of consulting doctors and nurses and taking incredibly good care of their health, which is because it is so vital to the product they are selling and to the work they do. That is what decriminalisation can achieve. We could have full health and safety if we had anti-discrimination provisions as well.

As set out in the bill, The Greens introduced protections in the last term of Parliament—and I again thank Scarlet Alliance, the Sex Workers Outreach Project and Touching Base, who I worked with closely at the time to draft that bill—that tried to address the countless stories of discrimination that sex workers have put on record. It included everything from a nudge and a wink to the loss of housing or employment, the denial of essential services and serious assault. I will repeat some of what I said in the second reading debate of the 2020 bill:

One sex worker put it this way:

[Discrimination] means not answering the question "what do you do?" without considering that at best, I'll probably end up answering a bunch of naff questions to satisfy someone's curiosity, at worst, someone will cut off from me and do something hostile. Discrimination means applying for a job and leaving big chunks of things out, hoping the police check doesn't disqualify me. Discrimination means trying to rent a place, to work without being able to declare my income, give a job reference or tell the landlord what I really intend to do there ...

The sharp end of discrimination is assault. Study after study has shown that because sex workers are far less likely to report high rates of assault and harassment, and the feeling that, because of the stigma and discrimination, police will not take the action that is needed, perpetrators then feel they can get away with assaulting a sex worker in a way they would not be able to assault any other kind of worker.

We also heard a lot of stories of councils approving sex work premises, but only if they were in the middle of industrial zones, which set up sex workers to conduct operations at night-time in a place that was unsafe and where they were not likely to get help when they needed it. If we are going to have—and we do have, proudly—an evidence-based approach to sex work and to allowing sex work in New South Wales, we need to be consistent with how we treat that work.

It is not right to continue to deny sex workers the same financial services that other people get. It is not right to deny them the ability to keep a check on each other and to work in premises alongside each other. We need to do everything we can to keep workers safe. That is what this is about. I feel incredibly strongly about it. On the basis that I do not think the bill will pass today, I flag that The Greens will work to introduce a new bill to bring in, finally, provisions that give much-needed protection for sex workers as a matter of workers' rights.

Finally, I note that when I say we had majority support for the bill in the last term of Parliament, it was because Labor supported the bill. But it said that, when in government, it would first review the Anti-Discrimination Act. I am holding Labor to its word on that. I look forward to that happening. I also will not be afraid to introduce a Greens bill, if we have to, because every single day we are putting sex workers in danger by not introducing those protections. On that note, I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:54): I do not doubt for a minute that Ms Abigail Boyd is committed to this issue; she has campaigned on it for a very long time. However, for the reasons that Ms Abigail Boyd touched on, the Government will not support the amendments. The Anti-Discrimination Act is really important legislation that was introduced by the Wran Government in 1977. Since then, a range of different issues have been added to that legislation. It is pretty clunky, and it really needs work. The Government committed to a review by the Law Reform Committee and all the issues relating to the Anti-Discrimination Act will be dealt with through that. That review is underway.

The other point I make in terms of the discrimination issue is the Summary Offences Act and the impact of its provisions on sex workers. The Government agreed to also review the provisions of the Crimes Act to work through some of the issues. Discussion continues on those issues, but the Government will not support the amendment.

The Hon. SUSAN CARTER (17:55): I indicate the Opposition has formed the view that the bill cannot be cured by amendment. The Opposition opposes all amendments. I will not need to take the time of the Committee by seeking the call again.

The CHAIR (The Hon. Rod Roberts): To make deliberations flow more smoothly and for the benefit of all members, I invite the Hon. John Ruddick to move his amendments Nos 1 and 2 on sheet c2024-195 in globo because there is a clash with Ms Abigail Boyd's amendments.

The Hon. JOHN RUDDICK (17:57): By leave: I move Libertarian Party amendments Nos 1 and 2 on sheet c2024-195 in globo:

No. 1 Omission of amendments to Crimes (Domestic and Personal Violence) Act 2007

Page 14, Schedule 3[1], lines 3–19. Omit all words on the lines.

No. 2 Omission of amendments to Crimes (Domestic and Personal Violence) Act 2007

Page 14, Schedule 3[3] and [4], lines 22–31. Omit all words on the lines.

As it currently stands, the bill would criminalise outing someone's sexual orientation or gender identity. The bill introduces a criminal offence for outing someone's gender history or status as a sex worker. This would apply to online communications, such as X or Facebook, making it a criminal offence to refer to a trans man as a female, or vice versa, on social media. The war on free speech continues in this Chamber.

The bill could criminalise a person whose partner has told them they are transgender and who wants to discuss this development with a trusted friend, relative or counsellor. The bill would also apply this protection to people's current or past occupation as a sex worker, making it a criminal offence to discuss publicly the background of anyone who had been involved in the sex industry. This protection is not afforded to any other industry. Apprehended violence orders [AVOs] would be made against anyone making public statements that outed someone, leaving open the potential for anyone who refuses to call a trans woman a woman to have an AVO brought against them by vexatious litigants. Things like that are happening all the time.

We are already seeing fine women like Kirralie Smith being targeted by transgender activists for stating what she believes are biological facts and these amendments will open the door to further legal harassment. Kirralie Smith stated her view that a transgender woman was a man and ever since then she has been in and out of court. The harassment of my friend Kirralie Smith is acute and beyond belief. It is cruel. I hope the amendment can be supported.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (17:59): To be clear, the Government's position is the same as that of the Opposition. The Government is comfortable with where the bill is at and we will not be supporting any of the amendments today. I disagree with the Hon. John Ruddick and his assertions about what will happen when the bill passes. The threat to out someone is an issue of intimidation. It is not a general conversation, particularly for people who are already out. You cannot out someone who is already out. I will not go chapter and verse but I disagree with the premise that Mr Ruddick has raised. The Government is not supporting his amendments.

Dr AMANDA COHN (18:00): The Greens will not support the amendments. It is clear from the contribution of the mover of the amendments that he does not actually have any idea about what outing someone means or how significant a threat that can actually be to someone's real and perceived safety. In a world where particularly trans and gender diverse people are already so stigmatised and so discriminated against, the threat to out someone can create significant risk and can contribute to coercive control and domestic violence. That is why The Greens are opposing the amendments moved by the Hon. John Ruddick.

The CHAIR (The Hon. Rod Roberts): The Hon. John Ruddick has moved Libertarian Party amendments Nos 1 and 2 on sheet c2024-195. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Rod Roberts): Ms Abigail Boyd has moved The Greens amendments Nos 1 to 5 on sheet c2024-189A. The question is that the amendments be agreed to.

Amendments negatived.

Dr AMANDA COHN (18:03): I move The Greens amendment No. 1 on sheet c2024-191A:

No. 1 Amendment of Anti-Discrimination Act 1977

Page 2. Insert after line 7—

Schedule 1AA Amendment of Anti-Discrimination Act 1977 No 48

[1] Section 4 Definitions

Omit the definitions of *homosexual* and *recognised transgender person*.

Insert in alphabetical order in section 4(1)—

sexuality, for Part 4C—see section 49ZF.

[2] Section 38A Interpretation

Omit ", whether or not the person is a recognised transgender person".

[3] Section 38A(a) and (b)

Omit "the opposite sex by living" wherever occurring.

Insert instead "another sex by living".

[4] Section 38A(a) and (b)

Omit "member of the opposite sex, or" wherever occurring.

Insert instead "member of the other sex, or".

[5] Section 38A(c)

Omit the paragraph. Insert instead—

- (c) who identifies as a particular sex that is not exclusively male or female by living as a member of that sex,

[6] Section 38B What constitutes discrimination on transgender grounds

Omit ", being a recognised transgender person," wherever occurring in section 38B(1)(c).

[7] Section 38B(1)(c)

Insert "or a different sex to that which the person identifies" after "being of the person's former sex".

[8] Section 38B(1)(c)

Insert "or of a different sex to that which the person identifies" after "persons of the person's former sex".

[9] Section 38C(3)(b)

Omit "5, or". Insert instead "5".

[10] Section 38C(3)(c)

Omit the paragraph.

[11] Section 38K Education

Omit section 38K(3).

[12] Section 38P

Omit sections 38P and 38Q. Insert instead—

38P Sport

- (1) Nothing in this part makes it unlawful to exclude a transgender person from participation in a sporting activity for members of the sex the person lives, seeks to live or identifies with if—
- (a) the person is over the age of 12 years, and
 - (b) the sporting activity is conducted as part of a competition, and
 - (c) the strength, stamina or physique of a person competing in the competition is relevant, and
 - (d) the exclusion of the person is reasonable and proportionate in all the circumstances.
- (2) Subsection (1) does not apply to the umpiring or refereeing of a sporting activity.

[13] Part 3B

Insert after Part 3A—

Part 3B Discrimination on ground of variations of sex characteristics**Division 1 General****38T Interpretation**

A reference in this part to a person having a variation of sex characteristics—

- (a) means a person who has an innate variation of primary or secondary sex characteristics that differ from norms for female or male bodies, and
- (b) includes a reference to the person being thought of as having a variation of sex characteristics, whether the person has, or had, a variation of sex characteristics.

38U What constitutes discrimination on ground of variations of sex characteristics

- (1) A person (*the perpetrator*) discriminates against another person (*the aggrieved person*) on the ground of variations of sex characteristics if the perpetrator—
 - (a) on the ground of the aggrieved person having a variation of sex characteristics or a relative or associate of the aggrieved person having a variation of sex characteristics, treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who the perpetrator did not think had a variation of sex characteristics or who does not have a relative or associate who the perpetrator did not think had a variation of sex characteristics, or
 - (b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons who do not have a variation of sex characteristics, or who do not have a relative or associate who has a variation of sex characteristics, comply or are able to comply, being a requirement which is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.
- (2) For the purposes of subsection (1)(a), something is done on the ground of a person having a variation of sex characteristics if it is done on the ground of the person having a variation of sex characteristics, a characteristic that appertains generally to persons who have a variation of sex characteristics or a characteristic that is generally imputed to persons who have a variation of sex characteristics.

Division 2 Discrimination in work

38V Discrimination against applicants and employees

- (1) It is unlawful for an employer to discriminate against a person on the ground of a variation of sex characteristics—
 - (a) in the arrangements the employer makes for the purpose of determining who should be offered employment, or
 - (b) in determining who should be offered employment, or
 - (c) in the terms on which employment is offered.
- (2) It is unlawful for an employer to discriminate against an employee on the ground of a variation of sex characteristics—
 - (a) in the terms or conditions of employment that are afforded to the employee, or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment, or
 - (c) by dismissing the employee or subjecting the employee to any other detriment.
- (3) Subsections (1) and (2) do not apply to employment for the purposes of a private household.

38W Discrimination against commission agents

- (1) It is unlawful for a principal to discriminate against a person on the ground of a variation of sex characteristics—
 - (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent, or
 - (b) in determining who should be engaged as a commission agent, or
 - (c) in the terms on which the principal engages the person as a commission agent.
- (2) It is unlawful for a principal to discriminate against a commission agent on the ground of a variation of sex characteristics—
 - (a) in the terms or conditions that are afforded to the commission agent, or
 - (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent, or
 - (c) by terminating the commission agent's engagement or subjecting the commission agent to any other detriment.

38X Discrimination against contract workers

It is unlawful for a principal to discriminate against a contract worker on the ground of a variation of sex characteristics—

- (a) in the terms on which the contract worker is allowed to work, or
- (b) by not allowing the contract worker to work or continue to work, or
- (c) by denying the contract worker access, or limiting the contract worker's access, to any benefit associated with the work performed by the contract worker, or
- (d) by subjecting the contract worker to any other detriment.

38Y Partnerships

- (1) It is unlawful for a firm consisting of 6 or more partners, or for any one or more of 6 or more persons proposing to form themselves into a partnership, to discriminate against a person on the ground of a variation of sex characteristics—
 - (a) in the arrangements made for the purpose of determining who should be offered a position as partner in the firm, or
 - (b) in determining who should be offered a position as partner in the firm, or
 - (c) in the terms on which the person is offered a position as partner in the firm.
- (2) It is unlawful for a firm consisting of 6 or more partners to discriminate against a partner on the ground of a variation of sex characteristics—
 - (a) by denying the partner access, or limiting the partner's access, to any benefit arising from membership of the firm, or
 - (b) by expelling the partner from the firm, or
 - (c) by subjecting the partner to any other detriment.

38Z Discrimination by local government councillors

It is unlawful for any member or members of a council of a local government area when acting, whether alone or together, in the course of the member's or members' official functions to discriminate against another member of the council on the ground of a variation of sex characteristics.

38ZA Industrial organisations

- (1) It is unlawful for an industrial organisation to discriminate on the ground of a variation of sex characteristics against a person who is not a member of the industrial organisation—
 - (a) by refusing or failing to accept the person's application for membership, or
 - (b) in the terms on which it is prepared to admit the person to membership.
- (2) It is unlawful for an industrial organisation to discriminate against a member of the organisation on the ground of a variation of sex characteristics—
 - (a) by denying the member access, or limiting the member's access, to any benefit provided by the organisation, or
 - (b) by depriving the member of membership or varying the terms of the membership, or
 - (c) by subjecting the member to any other detriment.

38ZB Qualifying bodies

It is unlawful for an authority or a body which is empowered to confer, renew or extend an authorisation or a qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or the engaging in of an occupation to discriminate against a person on the ground of a variation of sex characteristics—

- (a) by refusing or failing to confer, renew or extend the authorisation or qualification, or
- (b) in the terms on which it is prepared to confer the authorisation or qualification or to renew or extend the authorisation or qualification, or
- (c) by withdrawing the authorisation or qualification or varying the terms or conditions on which it is held.

38ZC Employment agencies

It is unlawful for an employment agency to discriminate against a person on the ground of a variation of sex characteristics—

- (a) by refusing to provide the person with any of its services, or
- (b) in the terms on which it offers to provide the person with any of its services, or

- (c) in the way in which it provides the person with any of its services.

Division 3 Discrimination in other areas

38ZD Education

- (1) It is unlawful for an educational authority to discriminate against a person on the ground of a variation of sex characteristics—
- (a) by refusing or failing to accept the person's application for admission as a student, or
 - (b) in the terms on which it is prepared to admit the person as a student.
- (2) It is unlawful for an educational authority to discriminate against a student on the ground of a variation of sex characteristics—
- (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority, or
 - (b) by expelling the student or subjecting the student to any other detriment.

38ZE Provision of goods and services

It is unlawful for a person who provides, whether or not for payment, goods or services to discriminate against another person on the ground of a variation of sex characteristics—

- (a) by refusing to provide the person with the goods or services, or
- (b) in the terms on which the other person is provided with the goods or services.

38ZF Accommodation

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of a variation of sex characteristics—
- (a) by refusing the person's application for accommodation, or
 - (b) in the terms on which the person offers the other person accommodation, or
 - (c) by deferring the person's application for accommodation or giving the person a lower order of precedence in any list of applicants for that accommodation.
- (2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of a variation of sex characteristics—
- (a) by denying the person access, or limiting the person's access, to a benefit associated with accommodation occupied by the person, or
 - (b) by evicting the person or subjecting the person to any other detriment.
- (3) Nothing in this section applies to or in relation to the provision of accommodation in premises if—
- (a) the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside, in the premises, and
 - (b) the accommodation provided in the premises is for no more than 6 persons.

38ZG Registered clubs

- (1) It is unlawful for a registered club to discriminate on the ground of a variation of sex characteristics against a person who is not a member of the registered club—
- (a) by refusing or failing to accept the person's application for membership of the club, or
 - (b) in the terms on which it is prepared to admit the person to membership of the club.
- (2) It is unlawful for a registered club to discriminate on the ground of a variation of sex characteristics against a member of the registered club—
- (a) by denying the member access, or limiting the member's access, to any benefit provided by the club, or
 - (b) by depriving the member of membership or varying the terms of the membership, or
 - (c) by subjecting the member to any other detriment.

Division 4 Vilification on the ground of variations of sex characteristics

38ZH Definition

In this division—

public act includes—

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and
- (b) any conduct, that is not a form of communication referred to in paragraph (a), observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, and
- (c) the distribution or dissemination of any matter to the public with knowledge the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of—
 - (i) a person on the ground the person has a variation of sex characteristics, or
 - (ii) a group of persons on the ground that the members of the group have variations of sex characteristics.

38ZI Vilification on ground of sex characteristics unlawful

- (1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of—
 - (a) a person on the ground the person has a variation of sex characteristics, or
 - (b) a group of persons on the ground the members of the group have variations of sex characteristics.
- (2) Nothing in this section renders unlawful—
 - (a) a fair report of a public act referred to in subsection (1), or
 - (b) a communication or the distribution or dissemination of any matter on an occasion that would be subject to a defence of absolute privilege, whether under the *Defamation Act 2005* or otherwise, in proceedings for defamation, or
 - (c) a public act, done reasonably and in good faith, for academic, artistic, scientific, research or religious discussion or instruction purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

[14] Section 40 Discrimination against applicants and employees

Insert "or" after "household," in section 40(3)(a).

[15] Section 40(3)(b)

Omit "5, or". Insert instead "5."

[16] Section 40(3)(c)

Omit the paragraph.

[17] Section 46A Education

Omit section 46A(3).

[18] Section 49D Discrimination against applicants and employees

Omit "5, or" from section 49D(3)(b). Insert instead "5."

[19] Section 49D(3)(c).

Omit the paragraph.

[20] Section 49L Education

Omit section 49L(3). Insert instead—

- (3) Nothing in this section applies to or in relation to a refusal or failure to accept a person's application for admission as a student by an educational authority if the educational authority administers a school, college, university or other institution that is conducted solely for students who have a disability that is not the same as the disability of the student.

[21] Section 49PA Persons addicted to prohibited drugs

Omit "having hepatitis C, HIV infection or any" from section 49PA(3).

Insert instead "living with HIV or having hepatitis C or another".

[22] Part 4C, heading

Omit "*homosexuality*". Insert instead "*sexuality*".

[23] Section 49ZF

Omit the section. Insert instead—

49ZF Interpretation

- (1) In this part, *sexuality* means—
- (a) homosexuality, or
 - (b) bisexuality, or
 - (c) asexuality.
- (2) A reference in this part to a person's sexuality includes a reference to a person being thought to have a particular sexuality, whether or not the person does in fact have that sexuality or not.

[24] **Sections 49ZG, 49ZH, 49ZI, 49ZJ, 49ZK, 49ZKA, 49ZL, 49ZM, 49ZN, 49ZO, 49ZP, 49ZQ, 49ZR, 49ZS and 49ZT**

Omit "homosexuality" wherever occurring. Insert instead "sexuality".

[25] **Section 49ZG(1)(a)**

Omit "he or she did not think was a homosexual person".

Insert instead "the perpetrator did not think had that sexuality".

[26] **Section 49ZG(1)(a)**

Omit "he or she thinks was a homosexual person".

Insert instead "the perpetrator thinks had that sexuality".

[27] **Section 49ZG(1)(b) and (2)**

Omit "homosexual persons" wherever occurring. Insert instead "persons of that particular sexuality".

[28] **Section 49ZG(1)(b)**

Omit "homosexual person". Insert instead "person of that particular sexuality".

[29] **Section 49ZH(3)(a)**

Insert "or" after "household,".

[30] **Section 49ZH(3)(b)**

Omit ", or". Insert instead ".".

[31] **Section 49ZH(3)(c)**

Omit the paragraph.

[32] **Section 49ZO Education**

Omit section 49ZO(3).

[33] **Part 4C, Division 4**

Omit the heading. Insert instead—

Division 4 Vilification on the ground of sexuality

[34] **Section 49ZT, heading**

Omit "*Homosexual*". Insert instead "*Sexuality*".

[35] **Section 49ZXA, heading**

Omit the heading. Insert instead—

Section 49ZXA Definition

[36] **Section 49ZXA**

Omit the definition of "*HIV/AIDS infected*".

[37] **Section 49ZXB HIV/AIDS vilification unlawful**

Omit "HIV/AIDS infected" wherever occurring in section 49ZXB(1).

Insert instead "living with human immunodeficiency virus or acquired immunodeficiency syndrome".

[38] **Section 49ZYL Education**

Omit section 49ZYL(3)(b).

[39] **Section 56 Religious bodies**

Omit section 56(c) and (d). Insert instead—

- (c) the selection or appointment of a person to exercise functions in relation to, or otherwise participate in, a religious observance or practice, or
- (d) another act or practice of a body established to propagate religion that—
 - (i) is reasonable and proportionate in the circumstances, and
 - (ii) conforms to the doctrines of the religion, and
 - (iii) is necessary to avoid injury to the religious susceptibilities of the adherents of the religion.
- (2) Subsection (1)(d) does not apply in relation to—
 - (a) employment and education by religious educational institutions, or
 - (b) employment and the provision of goods, services or accommodation by religious bodies providing goods, services or accommodation to the general public.

[40] Section 59A Adoption services

Omit the section.

[41] Section 87 Definitions

Omit "38S, 49ZT or 49ZXB" from section 87, definition of *vilification complaint*.

Insert instead "38S, 38ZI, 49ZT, 49ZXB or 50AO".

[42] Part 9C

Insert after Part 9B—

Part 9C Forms

122Y Matters relating to gender diversity and same sex relationships

- (1) This section applies if a government sector agency or the head of a government sector agency requires or asks a person to complete a form, or keeps a record about a person, that includes information—
 - (a) about a person's sex, or
 - (b) that indicates, or could be taken to indicate, a person's sex.

Example— a form for a school that requires a child's parents to be identified
- (2) The form or record must include options that—
 - (a) allow a person's sex to be described in a non-binary way, and
 - (b) allow a person's relationship to another person to be described in a way that—
 - (i) is in accordance with each person's identified sex, or
 - (ii) does not indicate either person's sex.

Example— A form for a school that requires a child's parents to be identified cannot provide only for an option of 'mother' and 'father' and instead might choose to use the terms 'parent 1' and 'parent 2' or allow parents to describe themselves as mother, father or parent as they wish.

- (3) In this section—

government sector agency has the same meaning as in the *Government Sector Employment Act 2013*.

head, of a government sector agency, has the same meaning as in the *Government Sector Employment Act 2013*.

While it appears substantial, this amendment is a reinsertion of the provisions that were deleted in the Legislative Assembly yesterday and, as such, they have been on the public record since the original version of this bill was tabled over a year ago. The New South Wales Anti-Discrimination Act is not fit for purpose. The Greens support its wholesale review and supported the Government's referral of the Act to the Law Reform Commission last year. However, that does not mean it cannot be amended while that process is underway. That is clearly evidenced by the Government moving changes to the Anti-Discrimination Act last year to protect people for their religious belief, affiliation or activity. The Government stated that those reforms were urgent and that there was no need to wait for the review process to be completed.

Further, a commitment to a review is not the same as a commitment to implement that review or to legislate those particular changes after the review is completed. At the Federal level, a similar review, the Australian Law Reform Commission's review into religious educational institutions and anti-discrimination laws,

recommended legislative reforms to ensure that the Federal Government's anti-discrimination policy for religious educational institutions complies with international legal obligations. Federal Labor was quick to respond with "No Australian should be discriminated against because of who they are or what they believe." However, it went on to state:

The Australian Law Reform Commission's report tabled today is not a report from the Government. It is advice to the Government, and we will continue to consider it.

The New South Wales Government's commitment to examining these issues in the current review is not a commitment to implement the changes once the review is complete. I call on the Leader of the Government to make that commitment.

I now move to the changes that are urgently needed and for which I am moving the amendment. The Anti-Discrimination Act as it stands does not provide broad protection based on sexual orientation and gender identity, as it should. Its protections are limited to homosexual and transgender people, which means that people who are bisexual, asexual, intersex, non-binary and others are excluded. It also contains egregious exemptions, including those for non-government schools to discriminate against students, teachers and employees on all grounds but race. Protection from discrimination is critical for the health and wellbeing of LGBTQIA+ people across New South Wales. Bringing the Anti-Discrimination Act up to speed with other Australian States and Territories, at a minimum, is both urgent and commonsense reform. This protection will make the difference for a broad range of people to be able to participate fully in community life. No-one should live in fear of the discrimination they could face in their workplace, in the classroom or in any part of the community.

Right now LGBTQIA+ students and staff can be sacked or expelled from non-government schools. This is not a hypothetical risk; this is happening right now in New South Wales. I thank Equality Australia for its excellent report entitled *Dismissed, Denied and Demeaned: A national report on LGBTQ+ discrimination in faith-based schools and organisations*, from which I have drawn the following examples, noting that some names have been changed to protect privacy. James was denied the role of prefect at a Christian school in Sydney in 2011 because he was gay. Abbie had to fight to attend the school formal with her girlfriend at a Catholic school in Sydney in 2023. Kimberly, a teacher at a Catholic school in New South Wales, was told by her principal in 2014 to lie about her relationship with another female staff member to keep her job.

Caroline is now looking to move her family from Sydney's northern beaches after two religiously affiliated high schools refused to enrol her trans daughter and another two threatened to impose extreme conditions as a condition of her enrolment. Karen was fired from her role as a teacher in 2020 at a tertiary college in Sydney after she became engaged to her same-sex partner. Steph was fired from her role as an English teacher at a Christian school in Sydney in 2021 after she came out as a lesbian. The school argued that she was required to attend a church that believed in the immorality of homosexuality and "prayerfully live a celibate life" to work there. Nathan lost his job in 2020 at a Christian school in Sydney after coming out as gay. Olivia changed schools in year 8 in 2018 after her Anglican school in Sydney threatened to write to all the parents of other students in her grade about her gender affirmation. There are many more of these heartbreaking stories.

The Greens believe changes to the Anti-Discrimination Act should go further than what was originally drafted by the member for Sydney to also remove exemptions for very small businesses and to more broadly include trans and gender diverse people in the physical and mental health benefits of sport, rather than just harmonise the laws with the Commonwealth. I had previously drafted amendments to that effect and even lodged one on behalf of The Greens back in March, which has now been withdrawn because we are in a position of debating any basic changes to the Anti-Discrimination Act at all rather than strengthening them.

I give a shout-out to my favourite sport because the Hon. Penny Sharpe restated her love of roller derby earlier. My favourite sport is parkrun. Parkrun is an international running community that gathers in local parks early on a Saturday morning every week. It is inclusive, welcoming and free. It fundamentally does not reward people for their speed; it rewards people for beating their own personal best, for turning up week after week and for making a commitment to health, wellbeing, volunteering and community. Some very nasty people in the United Kingdom threatened parkrun because it allows people to register with the name and gender identity that they choose without doing any kind of check. Parkrun responded by removing the course records, because parkrun is about turning up to run together and enjoying the physical and mental health benefits of sport.

Members of Parliament are privileged people. It is uncommon for us to debate and vote on issues of rights that directly impact us personally, but that is the situation that I am in today. I am unlikely to ever need the protection of the Anti-Discrimination Act as a bisexual woman, because I am a privileged member of Parliament, but there are many others across the State that need the protection and will rely on it for their safety and to participate fully in community life.

The process for Parliament to get here today has not been smooth. It has been an unpleasant and unnecessary challenge to examine the 60 amendments suddenly made to the equality bill this week—some just yesterday—after it was introduced and tabled over a year ago. The negotiation did not need to be so secretive. I believe that if the community had time to understand the changes that were on the chopping block, the removal of the provisions from the bill could have been opposed more effectively. I hope that we are back to debate changes to anti-discrimination laws very soon. I urge the Leader of the Government—who I know, from her comments in opposition, personally supports the reforms—to make sure that work is prioritised by the Minns Labor Government.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:10): I thank Dr Amanda Cohn for her contribution. The Government does not support the amendment, and the member knows that. I again refer to the reviews that are underway. I know that Ms Abigail Boyd and The Greens are keen to know what happens inside the Labor Party and the way in which it negotiates reform. It is a fundamental difference between Labor and The Greens. Labor sits inside and works through the issues. Sometimes members do not get their way, but we work through that carefully with a spirit of solidarity and an ability to accommodate a variety of views through the political party. That is an important part of the way in which Labor does things. Those of us in the Labor Party who choose to do those things do so because we want to make and actually effect change. Ms Abigail Boyd is welcome to join us at any point. If she wants to be part of where change is made in government, she can come on down.

The CHAIR (The Hon. Rod Roberts): Dr Amanda Cohn has moved The Greens amendment No. 1 on sheet c2024-191A. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes26
Majority.....21

AYES

Boyd (teller)
Cohn (teller)

Faehrmann
Higginson

Hurst

NOES

Buckingham
Buttigieg
Carter
D'Adam
Farlow
Franklin
Houssos
Jackson
Kaine

Lawrence
MacDonald
Maclaren-Jones
Martin
Merton
Mihailuk
Mookhey
Moriarty
Murphy

Nanva (teller)
Primrose
Rath (teller)
Ruddick
Sharpe
Suvaal
Tudehope
Ward

Amendment negatived.

The CHAIR (The Hon. Rod Roberts): I understand that there has been some agreement between members that, to make things easier, we will now move to Libertarian Party amendment No. 1 on sheet c2024-190A. I invite the Hon. John Ruddick to move his amendment.

The Hon. JOHN RUDDICK (18:20): I move Libertarian Party amendment No. 1 on sheet c2024-190A.

No. 1 **Restricted persons for change of sex restrictions under Births, Death and Marriages Registration Act 1995**

Page 9, Schedule 1[4], proposed section 32GA(1)(viii), line 44. Omit all the words on the line. Insert instead—

(2),

- (ix) a registered sex offender, being a person who has at any time been sentenced to imprisonment following the person's conviction of a serious sex offence, other than an offence committed while the person was under the age of 18 years,
- (x) a corresponding registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*, but

Clause 32GA (1) of the bill spells out a list of restricted persons who have a few hurdles—not onerous enough—that will make it harder for them to change their gender rather than just with the snap of a finger. The restricted persons currently listed in the bill are an inmate, a person on remand, a parolee, a periodic detainee, a forensic patient and a few others. The Libertarian Party's amendment simply seeks to add registered sex offenders and child sex offenders to that list. Don't panic—they can still change their gender if they want to. There would just be one or two little hurdles they would have to go through. I hope the Committee agrees, but I know it will not as the party boss has said there will be no amendments. That is good news for all the child sex offenders and registered sex offenders out there: They will now be free to change their gender if they feel like it.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (18:21): I thank the Hon. John Ruddick and the Committee for the agreement to get through the amendments. As we have said, there are restricted persons, but we are not dealing with them. There are already very strict protections in place against restricted persons. The Government is not supporting the amendment.

Dr AMANDA COHN (18:22): The Greens will not support the amendment. In my contribution to the second reading debate, I called out the phenomenon of opponents of the bill somehow equating trans and gender-diverse people with perversion and with being dangerous. It is the kind of language that was used around gay and lesbian people in the 1980s. It is horrific. The amendment is exactly that sort of suggestion that people who want to change their gender are more dangerous because they are sex offenders. We cannot support the amendment because of the suggestion that there is an association between people reasonably wanting to change their gender and being somehow perverted or dangerous. There is really strong existing legislation regarding sex offenders and that is not the subject members are debating today.

Ms ABIGAIL BOYD (18:23): I hope that the mover of the amendment can explain to members how it does not make the connection suggested by Dr Amanda Cohn, because there is an assumption that—

The Hon. John Ruddick: Not at all.

Ms ABIGAIL BOYD: I ask the member not to speak while I am speaking, especially as he is right next to me. He will have his moment. In my contribution to the second reading debate, I also talked about the idea that trans people are somehow masquerading to try to get into spaces they are not supposed to be in. In this case, the assumption I am drawing—and, again, I will wait for the member to either confirm or deny it—is that the suggestion is a sex offender can somehow use the process to take advantage of or get into spaces where they are not supposed to be. That is absurd.

It is taking the tiniest possibility, a what-if from out there, that a person wants to change their birth certificate to get access to a woman's room or space because they are somehow unable to just go in there anyway. The idea that a person who is going to commit a crime would go to all that trouble just to get into a space they can already get into anyway does not make any sense. It is taking a tiny possibility and blowing it up into a reason to deny people fundamental rights. It is really offensive. I absolutely support what my colleague said. The Greens oppose the amendment.

The Hon. JOHN RUDDICK (18:25): I was not expecting to have to speak again, but this is all in the imagination of The Greens. There is already a list of about six or maybe 10 categories of people for whom there are one or two extra hurdles if they decide to change their gender. All I am saying is that we need to include people on the child sex offenders and sex offenders registry. People who are on those registries already have a question mark over them. That is why the registry exists. I am saying that it is quite possible that a minority—maybe a very small minority—will go through this very simple process in the bill. Because the amendment will be rejected, it will be a very simple process to change their gender when they may not truly be trans.

The CHAIR (The Hon. Rod Roberts): The Hon. John Ruddick has moved Libertarian Party amendment No. 1 on sheet c2024-190A. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. PENNY SHARPE: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

The CHAIR (The Hon. Rod Roberts): According to sessional order, further consideration of the bill is set down as an order of the day for a later hour of the sitting.

I shall now leave the chair. The House will resume at 8.00 p.m.

*Documents***INDEPENDENT FORESTRY PANEL AND FORESTRY INDUSTRY ACTION PLAN****Return to Order**

The CLERK: According to the resolution of the House of Wednesday 18 September 2024, I table:

- (a) a return received on Thursday 17 October 2024 from the Cabinet Office, together with an indexed list of documents;
- (b) a return received on Thursday 17 October 2024 from the Cabinet Office of documents subject to a claim of personal information; and
- (c) a return received on Thursday 17 October 2024 from the Cabinet Office of documents subject to a claim of privilege.

*Bills***EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023****In Committee****Consideration resumed from an earlier hour.**

The CHAIR (The Hon. Rod Roberts): I call the Hon. John Ruddick to move Libertarian Party amendments Nos 1 and 2 on sheet c2024-192A.

The Hon. JOHN RUDDICK (20:02): By leave: I move Libertarian Party amendments Nos 1 and 2 on sheet c2024-192A in globo:

No. 1 Meaning of qualified counsellor for Births, Deaths and Marriages Registration Act 1995

Page 3, Schedule 1[4], lines 32 and 33. Omit all words on the lines. Insert instead—

qualified person means a person who is—

- (a) registered under the Health Practitioner Regulation National Law to practice psychiatry, and
- (b) practising as a psychiatrist.

No. 2 Compliance by qualified counsellor with gender dysphoria guidelines for Births, Deaths and Marriages Registration Act 1995

Page 12, Schedule 1[4]. Insert after line 38—

32J Qualified counsellor must comply with gender dysphoria guidelines

In performing a function for the purposes of this part, a qualified counsellor must comply with the guidelines set out in the document titled *Managing Gender Dysphoria in Young People—The National Association of Practising Psychiatrists Guide* published by the National Association of Practising Psychiatrists.

Under the current bill, a child under the age of 18 needs a counsellor's approval if they want to change their gender. My amendments make a necessary change to the definition of a "qualified person", which, in my view, should be a registered and practising psychiatrist. Should a child seek to change their sex on their birth certificate, it is only appropriate that they are seen by an appropriate counsellor. An appropriate counsellor would not be a psychologist or a psychotherapist but a registered and practising psychiatrist. Psychiatrists are doctors who must undertake years of complex training to hone their professional skills and have a knowledge and understanding of the impact of drugs and medicine, which many kids who go down this path will end up needing. Psychologists and psychotherapists can provide valuable therapy to their patients but are not qualified to dispense medication. That is not their role.

Patients, especially young patients, who may be suffering from gender confusion need a formal assessment by a professional who has an understanding of the impacts of these life-changing drugs. Further, a psychiatrist in question should have an understanding of the holistic guidelines set out by the National Association of Practising Psychiatrists in their document *Managing Gender Dysphoria in Young People—The National Association of Practising Psychiatrists Guide*. This is a commonsense amendment for a better-informed choice, designed to help our kids.

The heart of the amendments is that we do not want a counsellor to say, willy-nilly, "Yes, go and change your birth certificate." It is a very serious, life-changing episode. It will be something that many of those teenagers

regret. We want not just any psychiatrist but a practising psychiatrist involved, and we want them to abide by the guidelines set out by the National Association of Practising Psychiatrists. It is a commonsense amendment. I know it will not be agreed to because the party bosses have said we want to ram the bill through tonight, but I commend the amendments to the Committee.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:05): The Hon. John Ruddick is right that the Government does not support the amendments. It is not a party boss issue; it is an issue of the Labor Party understanding that the amendments are unnecessary. The whole structure of the bill and the way it has been put in place does a very important thing. It basically makes it an issue for the young person, with the support of their parents, to make this change with an understanding of it. There are two things I want to say. The first is that if both parents agree, the child is able to do it; if there is a disagreement, it goes through a court case. The second is that young trans people are already involved in a lot of medical intervention, because there is a lot of oversight in what happens with them as they seek to express and be identified as the gender they are.

It is wrong to suggest that young people will be able to wander into the Registry of Births, Deaths and Marriages and say, "Hey, I'm changing my birth certificate." That is not the case. It is a very important issue. The bill has the appropriate balance in making sure that there is parental involvement. Again, I shout out to parents who are working with their young people and know how important this is. We have seen cases where children are desperate to do this and have not been able to. They have the full support of their parents. If young people are already in the gender care sector in New South Wales, there is a lot of oversight and work. They are already working with their doctors and others, and it is a matter for them. I am a bit surprised by the Libertarian Party's idea. I thought it was very serious about parental involvement, and there is no need for further medicalisation, particularly where the parents are there.

The best interests of children are the test here. The people who understand that are the young person with their parents, in conjunction with their healthcare professionals, no matter what they are. In terms of changing the birth certificate, the issue is very straightforward. They are able to go to the registrar and have the support of a counsellor who can provide verification as an independent person. There is no risk. This is a carefully thought-out structure. To be honest, there are people who wanted it to go further, with different arrangements. It has been carefully balanced, and it is important to young people. I have not talked about this a lot, but other speakers during the debate have: Let us understand that young trans people are some of the most vulnerable people in our community. They are more likely to self-harm. They are more likely to attempt or carry out suicide.

The Hon. John Ruddick: Why encourage it?

The CHAIR (The Hon. Rod Roberts): Minister Sharpe will not respond to interjections. The Hon. John Ruddick and Minister Jackson are as guilty as each other. I have been very impressed with the way this matter has progressed through this Committee so far, much to my relief. We will continue like that. All members have an opportunity to contribute to the debate via the appropriate forms of debate. I will certainly not stop anybody from participating, but members will maintain decorum. The Minister has the call.

The Hon. PENNY SHARPE: The amendments presume there is something wrong with trans kids. There is nothing wrong with trans kids. They are beautiful the way they are. They are part of our community, and they deserve the same respect and care as every other young person in this State. There is not a need for a psychiatrist's intervention at the point they are at. Young people are getting the support they need under very rigorous protocols in New South Wales, which are very careful. I also make a point about the idea that they might change their mind. They might, and this bill allows people to change their minds. Again, there is a rigorous process if there is a change. No-one is arguing that does not occasionally happen, but we should believe the vast majority of trans kids when they tell us who they are, support them to be who they are and look after them carefully, because they are some of the most vulnerable in our community. This system does that, and these amendments do not need to be supported.

Dr AMANDA COHN (20:10): I comment briefly as a medical practitioner who has had the absolute joy and privilege of working with trans kids and their families before I was elected to this Parliament. Firstly, I reiterate the excellent comments of the Minister that being trans or gender diverse is not a mental illness. A counsellor is entirely suitably qualified to support someone and their family through a decision-making process for something that is administrative. We are not even talking about health care here; we are talking about an administrative process for documents. Lastly, that hand-picked choice of a far-right politician, the National Association of Practising Psychiatrists, is not the appropriate body to be writing guidelines for psychiatrists. The fact that the mover of these amendments has chosen that organisation and not the Royal Australian and New Zealand College of Psychiatrists, which would be the appropriate body for this, says a lot about that organisation.

The Hon. JOHN RUDDICK (20:11): I just say that this Chamber will be condemned by future generations for what it is doing to young kids.

The CHAIR (The Hon. Rod Roberts): The Hon. John Ruddick has moved Libertarian Party amendments Nos 1 and 2 on sheet c2024-192A. The question is that the amendments be agreed to.

Amendments negated.

Dr AMANDA COHN (20:12): By leave: I move The Greens amendments Nos 1 to 15 on sheet c2024-194C in globo:

No. 1 Single application for altering record of sex and name: Births, Deaths and Marriages Registration Act 1995

Page 3, Schedule 1. Insert after line 16—

[3A] Section 29D

Insert after section 29C—

29D Single application for altering record of sex and name

- (1) This section applies if—
 - (a) a record of a person's sex in the register is altered under Part 5A, and
 - (b) the application for the alteration includes a nomination that the person's name be changed in the register.
- (2) The person's change of name is to be considered and registered under this part as if an application for the change of name had been made under section 27 or 28.

No. 2 Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995

Page 4, Schedule 1[4], proposed section 32B, line 10. Omit "18". Insert instead "16".

No. 3 Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995

Page 4, Schedule 1[4], proposed section 32B(1)(a), line 14. Omit "18". Insert instead "16".

No. 4 Application to alter record of person's sex may be made by person who is under 18 years of age: Births, Deaths and Marriages Registration Act 1995

Page 4, Schedule 1[4]. Insert after line 32—

32BA Application to District Court by person under 16 years of age about alteration of record of person's sex

- (1) A person (an *applicant*) may apply to the District Court to have a record of the person's sex, specified in the application, altered if—
 - (a) the applicant is under the age of 16 years of age, and
 - (b) the applicant's birth is registered in this State.
- (2) An application under subsection (1) must be—
 - (a) in the approved form, and
 - (b) accompanied by any other document or information the District Court reasonably requires.
- (3) The applicant—
 - (a) must state in the application that the applicant understands the District Court must give notice about the application to each parent or other person with parental responsibility for the applicant under section 32BB(1)(a), and
 - (b) may make a submission to the District Court that the applicant does not want the persons mentioned in paragraph (a) notified because the applicant would be adversely affected.

Note—The District Court must not notify a parent, or another person with parental responsibility for the applicant, about the application if making the notification could reasonably be expected to adversely affect the applicant, see section 32BB(1)(b).
- (4) The applicant must nominate the following in the application—
 - (a) a sex descriptor,
 - (b) if the applicant wishes to change the applicant's name as part of altering the record of the applicant's sex—the applicant's proposed new name.

32BB Notification about application

- (1) Subject to subsection (2), the District Court—
 - (a) must take reasonable steps to notify each parent, or other person with parental responsibility for the person, about the application, and
 - (b) must not notify a parent, or other person with parental responsibility for the young person, about the application if the notification could reasonably be expected to adversely affect the young person.
 - (2) If a person makes a submission under section 32BA(3)(b) about a parent or other person with parental responsibility for the person being notified about the application—
 - (a) the District Court must, after considering the submission, decide if giving notice under subsection (1)(a) could reasonably be expected to adversely affect the person, and
 - (b) if the District Court decides the person could not reasonably be expected to be adversely affected by the notification, the District Court must give the person a written notice stating—
 - (i) the reasons for its decision, and
 - (ii) that the person may, in writing, withdraw the person's application before the end of a stated period of at least 14 days after the day the notice is given to the person, and
 - (iii) that, if the application is not withdrawn before the end of the stated period, the District Court will notify each parent or other person with parental responsibility for the person in accordance with subsection (1).
 - (3) For this section, a person is not adversely affected by an application if the only reason the person is affected is that—
 - (a) a parent, or another person with parental responsibility, disagrees with the application, and
 - (b) the disagreement causes the person discomfort.
- No. 5 **Application to alter record of person's sex may be made by person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**
 Page 4, Schedule 1[4], proposed section 32C(1), line 38. Omit "18". Insert instead "16".
- No. 6 **Application to alter record of child's sex may be made by 1 parent: Births, Deaths and Marriages Registration Act 1995**
 Page 5, Schedule 1[4], proposed section 32C(1). Insert after line 2—
- (d1) the applicant has sole parental responsibility to make decisions about major long-term issues for the child under a parenting order made under the *Family Law Act 1975* of the Commonwealth, Part VII, or
 - (d2) the applicant is a parent of the child and it is not practicable or reasonable to obtain the consent of the child's other parent, or
- No. 7 **Application to alter record of sex may for person who is under 16 years of age: Births, Deaths and Marriages Registration Act 1995**
 Page 5, Schedule 1[4], proposed section 32D(1)(a), line 32. Omit "18". Insert instead "16".
- No. 8 **Application to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**
 Page 6, Schedule 1[4], proposed section 32DA(1)(a), line 6. Omit "18". Insert instead "16".
- No. 9 **Application by parents to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**
 Page 6, Schedule 1[4], proposed section 32DB(1)(a), line 33. Omit "18". Insert instead "16".
- No. 10 **Application by parents to register acknowledgement of sex may for person who is 16 or 17 years of age: Births, Deaths and Marriages Registration Act 1995**
 Page 7, Schedule 1[4], proposed section 32DB(2). Insert after line 2—
- (d1) the applicant has sole parental responsibility to make decisions about major long-term issues for the child under a parenting order made under the *Family Law Act 1975* of the Commonwealth, Part VII,
 - (d2) the applicant is a parent of the child and it is not practicable or reasonable to obtain the consent of the child's other parent,
- No. 11 **Application by parents to register acknowledgement of sex may be made by 1 parent: Births, Deaths and Marriages Registration Act 1995**
 Page 7, Schedule 1[4], proposed section 32DBA(1)(a)(i), line 35. Omit "18". Insert instead "16".

No. 12 **Application to register acknowledgement of sex for persons under the age of 16 years: Births, Deaths and Marriages Registration Act 1995**

Page 8, Schedule 1[4]. Insert after line 5—

32DBB Application to the District Court by person under 16 years of age about registration of acknowledgement of person's sex

- (1) A person (an *applicant*) may apply to the District Court for the registration of an acknowledgement of the person's sex, specified in the application, if—
 - (a) the person is under the age of 16 years, and
 - (b) the person is an Australian citizen or permanent resident of Australia, and
 - (c) the person lives, and has lived for at least one year, in New South Wales, and
 - (d) the person's birth is not registered under this Act or a corresponding law.
- (2) An application under subsection (1) must be—
 - (a) in the approved form, and
 - (b) accompanied by any other document or information the District Court reasonably requires.
- (3) The applicant—
 - (a) must state in the application that the applicant understands the District Court must give notice about the application to each parent or other person with parental responsibility for the applicant under section 32DBC(1)(a), and
 - (b) may make a submission to the District Court that the applicant does not want the persons mentioned in paragraph (a) notified because the applicant would be adversely affected.

Note—The District Court must not notify a parent, or another person with parental responsibility for the applicant, about the application if making the notification could reasonably be expected to adversely affect the applicant, see section 32DBC(1)(b).
- (4) The applicant must nominate the following in the application—
 - (a) a sex descriptor,
 - (b) if the applicant wishes to change the applicant's name as part of registering the acknowledgement of the applicant's sex—the applicant's proposed new name.

32DBC Notification about application

- (1) Subject to subsection (2), the District Court—
 - (a) must take reasonable steps to notify each parent, or other person with parental responsibility for the person, about the application, and
 - (b) must not notify a parent, or other person with parental responsibility for the young person, about the application if the notification could reasonably be expected to adversely affect the young person.
- (2) If a person makes a submission under section 32DBB(3)(b) about a parent or other person with parental responsibility for the person being notified about the application—
 - (a) the District Court must, after considering the submission, decide if giving notice under subsection (1)(a) could reasonably be expected to adversely affect the person, and
 - (b) if the District Court decides the person could not reasonably be expected to be adversely affected by the notification, the District Court must give the person a written notice stating—
 - (i) the reasons for its decision, and
 - (ii) that the person may, in writing, withdraw the person's application before the end of a stated period of at least 14 days after the day the notice is given to the person, and
 - (iii) that, if the application is not withdrawn before the end of the stated period, the District Court will notify each parent or other person with parental responsibility for the person in accordance with subsection (1).
- (3) For this section, a person is not adversely affected by an application if the only reason the person is affected is that—
 - (a) a parent, or another person with parental responsibility, disagrees with the application, and
 - (b) the disagreement causes the person discomfort.

No. 13 **Change of sex restrictions for certain persons: Births, Deaths and Marriages Registration Act 1995**

Pages 9–12, Schedule 1[4], proposed Division 6, line 27 on page 9 to line 5 on page 12. Omit all words on the lines.

No. 14 Certificates for persons under the age of 18 years: Births, Deaths and Marriages Registration Act 1995

Page 12, Schedule 1[4], proposed section 32I(3), line 33. Omit "18". Insert instead "16".

No. 15 Certificates for persons under the age of 18 years: Births, Deaths and Marriages Registration Act 1995

Page 12, Schedule 1[4], proposed section 32I(3), line 35. Omit "18". Insert instead "16".

Similarly to the amendments to the provisions in the bill relating to the Anti-Discrimination Act that I moved tonight, these are not new. These amendments are seeking to restore the provisions as originally drafted by the member for Sydney which, frankly, were not radical. As per my previous comments, I cannot help but still think like a GP sometimes. I have only been a member for 18 months, and, medically speaking, people who are 16 years or older can consent to medical care as an adult. They have the cognitive capacity to do that. They understand the long-term risks and benefits of a particular treatment. They should be able to apply for amendments to their birth certificate through the process originally drafted and not be treated as children. I note that the Government, which opposed this idea, continues to refuse to raise the age of criminal responsibility. It is happy to treat adolescents who commit crimes as adults but not to treat trans and gender diverse adolescents as adults.

The Committee voted earlier tonight to deny LGBTQI+ kids the anti-discrimination protections that they need to be safe at school, and, once again, the people being left behind by the historic reforms that we are making today are trans and gender diverse kids. These amendments allow for persons aged under 16 to alter their personal documents if they have the support of both parents or, crucially, a sole parent in certain circumstances. A person who is 16 or over would be able to alter their recorded sex through the registrar with a declaration and a statement from an adult who has known them for at least 12 months. By 16 years of age, people can work, pay taxes, consent to medical treatment—as I have already outlined—and consent to organ donation, join a political party, and join the Defence Force. Young people also deserve the right to their own identity. Many 16- or 17-year-olds do not have parents who can advocate to support them on their journey to being formally recognised as who they are, and even more do not have the resources to go through the District Court to make that happen.

I draw attention particularly to the provision that the registrar should be able to receive applications from one parent of a child where it is not practicable or reasonable to obtain the consent of the child's other parent. The Government's preferred alternative is for these families to have to go through the District Court. The small number of families that this applies to are already in really difficult circumstances. Whether a parent is estranged, is a perpetrator of family violence, is imprisoned overseas or is in other really challenging circumstances, these families do not need the additional burden of having to go through the court, and I fear that too many will be left waiting until that person turns 18. That will also additionally burden the catastrophically under-resourced community legal sector and existing incredible but overstretched specialised LGBTQI+ legal services.

These amendments would also remove the limitation on the rights of prisoners, people on remand, people on parole, or corrections or forensic patients to make application without the approval of a supervising authority. Prisons are some of the most dangerous places to be a trans person. Making it harder for trans people and women, in particular, to change their documents prolongs their exposure to the risk of physical and sexual violence and opens the door to further discrimination and retaliation from those within a system that is not equipped to support someone looking to affirm their identity. The threat of penalty units during an administrative process for people already incarcerated is not appropriate.

Finally, I place on record my concern that LGBTQI+ specialised legal services as well as the community legal sector more broadly are significantly under-resourced. The birth certificate reforms that are likely to pass today, even without these further amendments, are likely to result in a wave of people seeking support through this process, which I am delighted about, and I urge the Attorney General to urgently consider an increase in funding for those services in anticipation of this.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:15): At this point, these issues have been well canvassed through the debate. The Government will not support the amendments.

The CHAIR (The Hon. Rod Roberts): Dr Amanda Cohn has moved The Greens amendments Nos 1 to 15 on sheet c2024-194C. The question is that the amendments be agreed to.

The Committee divided.

| | |
|---------------|----|
| Ayes | 5 |
| Noes | 24 |
| Majority..... | 19 |

AYES

Boyd (teller)
Cohn (teller)

Fachrmann
Higginson

Hurst

NOES

Borsak
Buttigieg
Carter
D'Adam
Farlow
Franklin
Houssos
Jackson

Kaine
Latham
Lawrence
MacDonald
Maclaren-Jones
Merton
Mihailuk
Moriarty

Murphy
Nanva (teller)
Primrose
Rath (teller)
Sharpe
Suvaal
Tudehope
Ward

Amendments negatived.

Dr AMANDA COHN (20:23): I move The Greens amendment No. 1 on sheet c2024-193A:

No. 1 **Amendments to Government Sector Employment Act 2013 and Government Sector Employment (General) Rules 2014**

Page 16, Schedule 5. Insert after line 4—

Schedule 5A Amendment of Government Sector Employment Act 2013 No 40

[1] Section 63 Workforce diversity

Omit "and people with a disability" in section 63(1), definition of *workforce diversity*.

Insert instead ", people with a disability, sexual orientation and variations of sex characteristics".

[2] Section 63(3)

Omit the subsection. Insert instead—

- (3) The Commissioner may publish a document (a *diversity and inclusion standard*) that provides for minimum diversity and inclusion standards for government sector agencies.
- (3A) A diversity and inclusion standard may include—
 - (a) provision for leave for gender affirming care, and
 - (b) specific targets and quotas for workforce diversity.
- (3B) The government sector employment rules may also deal with workforce diversity in any government sector agency.
- (3C) The head of a government sector agency must ensure that the agency complies with—
 - (a) a diversity and inclusion standard, and
 - (b) any obligations under government sector employment rules mentioned in subsection (3B) that apply to the agency.

Schedule 5B Amendment of Government Sector Employment (General) Rules 2014

Rule 26 Employment of eligible persons

Insert after rule 26(4), definition of *eligible person*, paragraph (c1)—

- (c2) an intersex person,
- (c3) a transgender person,

The bill as originally drafted by the member for Sydney would require the Public Service Commissioner to create a minimum diversity and inclusion standard for all public sector agencies. It would also have added trans people and people with variations in sex characteristics to that list, allowing government sector agencies to modify recruitment processes to employ people from disadvantaged groups. LGBTQIA+ people face discrimination in the workplace in a broad range of settings. I spoke about that at length when I moved amendments related to the Anti-Discrimination Act. Given that today we have failed to provide the necessary protections against discrimination in workplaces across the State and, most egregiously, in non-government schools, the public sector should be leading the way and be modelling inclusion and diversity for workplaces across the State.

In saying that, I acknowledge that the New South Wales Parliament is one such public sector workplace, and this is a uniquely difficult workplace for LGBTQIA+ people. There are very few people in this State forced

to face hate speech or erasure of their own personal identity during the course of their ordinary duties at work, and I acknowledge the many parliamentary staff who are listening to this debate with love and gratitude. I also thank my incredible team, Alice, Josh and Jeremy, for not only their roles in progressing change for LGBTQIA+ rights in New South Wales but also managing the difficult task of sorting through my email inbox this week and taking calls from people who are marginalised or traumatised and holding space for them.

An LGBTQIA+ taskforce has been established to commence the work of addressing the safety of this workplace. I am proud to be a part of that taskforce, and I note that the Leader of the Government, the President of the Legislative Council and the member for Sydney are also members. If diversity and inclusion can be tackled in as challenging a workplace as the New South Wales Parliament, it can and must be tackled at every public sector workplace and, eventually, every workplace in New South Wales.

The Hon. PENNY SHARPE (Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage) (20:25): I thank Dr Amanda Cohn for her contribution. The Government will not be supporting the amendment. My advice is that what it is trying to achieve can be achieved; it would not be prohibited if the amendment is not passed. The Government strongly supports, and is always looking to improve, inclusion and diversity across the public service. I echo the views of the member in relation to Parliament itself. Sometimes it has challenges, but people are taking that seriously, and I look forward to ongoing improvements.

The CHAIR (The Hon. Rod Roberts): Dr Amanda Cohn has moved The Greens amendment No. 1 on sheet c2024-193A. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes5
Noes24
Majority.....19

AYES

Boyd (teller)
Cohn (teller)

Faehrmann
Higginson

Hurst

NOES

Borsak
Buttigieg
Carter
D'Adam
Farlow
Franklin
Houssos
Jackson

Kaine
Latham
Lawrence
MacDonald
Maclaren-Jones
Merton
Mihailuk
Moriarty

Murphy
Nanva (teller)
Primrose
Rath (teller)
Sharpe
Suvaal
Tudehope
Ward

Amendment negated.

The CHAIR (The Hon. Rod Roberts): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. PENNY SHARPE: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PENNY SHARPE: I move:

That this bill be now read a third time.

The PRESIDENT: The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

[In division]

The PRESIDENT: Order! There has been a slight miscommunication about the pairs. It is very important that this is done so that all members are comfortable with where the numbers have landed. Therefore, we will now recommit the vote. The question is that this bill be now read a third time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

[In division]

The PRESIDENT: For the benefit of people in the public gallery, the reason for the confusion is that a short bell was rung, and the number of pairs that was granted on both sides had not been discussed. Pairs are an important part of the Westminster system, and it is important to reflect the outcome of the vote. That is why we recommitted the vote.

Ayes15
Noes12
Majority.....3

AYES

Boyd
Buttigieg
Cohn
D'Adam
Faehrmann

Higginson
Hurst
Jackson
Kaine
Lawrence

Murphy (teller)
Nanva (teller)
Primrose
Sharpe
Suvaal

NOES

Borsak
Carter
Farlow (teller)
MacDonald

Maclaren-Jones (teller)
Merton
Mihailuk
Rath

Roberts
Ruddick
Tudehope
Ward

PAIRS

Donnelly
Graham
Houssos
Mookhey
Moriarty

Barrett
Fang
Farraway
Mitchell
Munro

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Courtney Houssos: I postpone Government business order of the day No. 1 until a later hour of the sitting.

*Bills***ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (CERTIFICATION) BILL 2024****Second Reading Speech**

The Hon. MARK BUTTIGIEG (20:41): On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a second time.

I introduce the Environmental Planning and Assessment Amendment (Certification) Bill 2024, which will make sure that the essential work of building certification can continue in some of the most important areas of our State. The bill permanently reintroduces powers for essential specialist building certification services that were inadvertently removed by amendments to the Act in 2018 and that have since been maintained through savings and transitional provisions.

Specialist building certification services are essential to manage the land and waters in some of our State's most cherished places, such as the alpine region and Sydney Harbour. The bill will allow those services to continue unimpeded by re-establishing a permanent pathway for them in the Environmental Planning and Assessment Act 1979. The ski resort areas of the alpine region are a unique part of our State. They present unique challenges to ensure effective land use control. Following independent recommendations in the aftermath of the Thredbo landslide tragedy in 1997, the planning Minister has served as the sole consent authority within the ski resort areas, responsible for all development matters in those areas. This responsibility includes a wide range of building certification functions, which are usually the responsibility of local councils.

For more than two decades, this arrangement has meant that a specialist team from the Department of Planning, Housing and Infrastructure has overseen development in the ski resort areas to make sure they are constructed according to the relevant building and planning frameworks. The alpine region is not the only place where specialist building certification services need to be provided. In key maritime and waterway areas of the State, such as Sydney Harbour and the State's three ports, Transport for NSW, the Port Authority and port operators need to issue certificates to enable the leases that control how these areas are used.

The certification services I have just outlined are essential to the good governance of New South Wales. However, amendments to the Environmental Planning and Assessment Act in 2018 removed the authority for those certification services to occur. This was an oversight, which was rectified with temporary savings provisions. However, the temporary fix will formally end on 1 December 2024. With this bill, the Government is putting the power to do those certification services back in the Act, where they ought to have been, so that our certifiers can get on with the job.

I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

I now turn to the bill's provisions and each of its key elements.

Schedule 1, item [2] amends the definition of certifier in the Environmental Planning and Assessment Act 1979 to include the Minister in relation to development for which the Minister was the consent authority.

As the Minister for Planning and Public Spaces is the consent authority for all development in the alpine region, this adjusted definition will allow the Minister's delegates to undertake all necessary certification work in this area.

This can range from certifying code compliance for something as minor as a driveway to something more significant, such as a ski lift.

Schedule 2.1 amends the Building and Development Certifiers Act 2018 to clarify that the Minister and delegates do not fall under the registration framework for private certifiers. This exemption maintains the status quo, recognising the department's expertise in the field and the unique service being offered.

Schedule 1, item [3] amends the Environmental Planning and Assessment Act 1979 to establish a power for the regulations to prescribe persons to issue subdivision certificates in specified circumstances. It also makes sure that the planning secretary will have oversight of the issuance of any certificates under this power.

Schedule 2.2 specifies those circumstances and amends the regulations to prescribe Transport for NSW, Newcastle Port Corporation and the port operators of the ports of Botany Bay, Newcastle and Port Kembla to issue subdivision certificates in relation to subdivision carried out by, or on behalf of, those authorities.

Such subdivision is typically undertaken in the usual course of their land management functions, such as facilitating domestic or commercial leases, disposing of or transferring land, or providing for separate use or occupation of specific areas via subdivision.

In such instances, these authorities already have the power to carry out the subdivision under part 5 of the Environmental Planning and Assessment Act 1979, but need to issue a subdivision certificate to complete the final procedural step of registering the subdivision with the NSW Land Registry Services.

Schedule 2.2 also amends the regulations to prescribe Transport for NSW as a person who has the function to issue subdivision certificates for development to which it granted development consent.

Transport for NSW is the consent authority for unincorporated waterway areas, such as Sydney Harbour, which are outside of any local government area. Here, Transport for NSW issues development consents to manage long-term wetland leases.

Again, a subdivision certificate is required to enable the final procedural step of registering the lease with the NSW Land Registry Services. Without this step, there is no way to put the lease into effect.

Schedule 1, item [7] retroactively validates, to the extent of any invalidity, four occupation certificates issued by the Minister's delegates between 2020 and 2023.

This is necessary because they may have been impacted by limitations in the drafting of the temporary savings provisions that this bill will replace.

Schedule 1, item [5] reinstates the power to regulate fees and charges for building information certificates.

Building information certificates are a specialist type of certificate that can be provided by local councils in relation to unauthorised works, and are typically sought by buyers when transacting property.

The power to regulate building information certificate fees is another provision that was inadvertently removed in the rewrite of the Environmental Planning and Assessment Act 1979.

Reinstating it will allow these fees to be aligned with other fixed planning system fees for government services.

Schedule 2.3 removes the current savings provisions in the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 that are due to lapse on 1 December 2024 and will be replaced by this proposed bill's provisions.

The bill now before the House provides for a straightforward and simple fix to an inadvertent issue in the operation of the Act.

By permanently re-establishing the necessary powers by this bill, the Government will be able to continue to deliver specialist certification services and permanently settle previous transitional and savings provisions that are due to expire at the end of the year.

I commend this bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (20:44): The Opposition supports the Environmental Planning and Assessment Amendment (Certification) Bill 2024. The bill is a necessary step in ensuring that critical planning and certification powers are permanently reintroduced for the effective management of our most sensitive and important natural and urban areas. The bill will provide certainty to the provisions for certification in harbour and alpine areas, and the Opposition welcomes its introduction. The bill permanently reintroduces powers for essential specialist building certification services that were inadvertently removed by amendments in 2018 to the Environmental Planning and Assessment Act 1979, or EP&A Act. The oversight was temporarily addressed via savings and transitional provisions in the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, which ends on 1 December 2024.

The bill seeks to make permanent important provisions in the EP&A Act, ensuring that development within those areas continues to be properly regulated and certified without disruption. Specialist building certification services are essential to managing the land and waters in the alpine region and Sydney Harbour. The bill will allow those services to continue unimpeded by re-establishing a permanent pathway for them in the Act. I now turn to the detail of the legislation. Item [2] of schedule 1 to the bill amends the definition of "certifier" in the Environmental Planning and Assessment Act 1979 to include the Minister in relation to development for which the Minister was the consent authority.

Schedule 2.1 amends the Building and Development Certifiers Act 2018 to clarify that the Minister and the delegates do not fall under the registration framework for private certifiers. Item [3] of schedule 1 amends the Environmental Planning and Assessment Act to establish a power for the regulations to prescribe persons to issue subdivision certificates in specified circumstances. Schedule 2.2 specifies those circumstances and amends the regulations to prescribe Transport for NSW, the Newcastle Port Corporation and the port operators of the ports of Botany Bay, Newcastle and Port Kembla to issue subdivision certificates in relation to subdivisions carried out by, or on behalf of, those authorities.

Schedule 2.2 also amends the regulations to prescribe Transport for NSW the function to issue subdivision certificates to developments for which it granted development consent. Item [7] of schedule 1 retroactively validates, to the extent of any invalidity, four occupation certificates issued by the Minister's delegates between 2020 and 2023. Item [5] of schedule 1 reinstates the power to regulate fees and charges for building information certificates. Schedule 2.3 removes the current savings provisions in the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 that are due to lapse on 1 December 2024 and will be replaced by the bill's proposed provisions.

The Coalition wishes to recognise the important role of certifiers in the building industry. Certifiers are essential for maintaining the safety, quality and compliance of buildings and developments. Certifiers ensure that construction projects meet all legal and regulatory standards, protecting public safety and promoting sustainable growth. The Coalition is appreciative of the Association of Australian Certifiers for its feedback on the legislation

to help inform the Opposition's position. In conclusion, the Coalition supports this straightforward bill to help tidy up previous transitional arrangements and provide certainty moving forward, particularly in alpine and harbour areas in the State. I commend the bill to the House.

Ms SUE HIGGINSON (20:47): The Greens certainly will not be opposing the Environmental Planning and Assessment Amendment (Certification) Bill 2024. However, I put on record that this is what happens from time to time when there is a Minister who has an agenda to cut bits up and put bits in, and disorganise and cause some chaos in the planning system, and people forget to give the Minister the power that he was meant to have to do the job. When former Minister Anthony Roberts became planning Minister after former Minister Rob Stokes, he started butchering all the bits that Minister Rob Stokes had put into the legislation to make a good planning system. The bill fixes the mess of former Minister Anthony Roberts, so let us pass it.

The Hon. MARK BUTTIGIEG (20:48): On behalf of the Hon. Penny Sharpe: In reply: I most graciously thank all members for their contributions, particularly Ms Sue Higginson and the Hon. Scott Farlow. I thank crossbench and Coalition members for their support. Members have highlighted how the bill will make sure that essential certification services can continue to be provided in the alpine region, how it provides for subdivision certificates essential to land and lease management functions in key waterway areas to continue to be issued, and how the bill supports ongoing oversight of planning system fees by allowing building information certification fees to be regulated again.

The bill before the House sensibly addresses existing deficiencies in the Act and allows essential services to continue. This is a straightforward fix to inadvertent issues in the operation of the Act and nothing more. Simply put, the bill provides administrative corrections that preserve the status quo and permanently settles transitional and savings provisions that will soon expire. It will enable the planning Minister, the ports authorities and Transport for NSW to continue to exercise certification functions. It will reinstate the State's ability to regulate building information certificate fees. It will also validate certificates that may have been issued invalidly, due to the unintended limitations in the drafting of the temporary savings provisions. The changes provide ongoing certainty for a number of planning authorities. Without these changes, a core component of the New South Wales planning system would become unworkable in the most important areas of the State. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Penny Sharpe: I move:

That this bill be now read a third time.

Motion agreed to.

STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL 2024

Second Reading Speech

The Hon. MARK BUTTIGIEG (20:51): On behalf of the Hon. John Graham: I move:

That this bill be now read a second time.

I am pleased to introduce the State Emergency and Rescue Management Amendment Bill 2024. This bill contains a range of proposals to amend one of the State's key emergency management laws: the State Emergency and Rescue Management Act 1989, or the SERM Act. The bill makes changes that will streamline and improve the management of incidents and emergencies in New South Wales, including the establishment of a new power for emergency services workers to temporarily close roads in relation to hazards, improving safety for those workers and others; creating a new function for the State Emergency Management Committee to support our emergency services and other organisations to plan for the development and maintenance of the capabilities and service delivery capacity of the emergency management volunteer workforce; and establishing education services as a functional area under the SERM Act. The bill also makes other miscellaneous amendments to improve the management of emergencies and to recognise machinery of government and other changes to emergency services organisations.

I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

I will now go through each of the bill's provisions:

Schedule 1, clause 10 creates a new power for responsible persons of emergency service organisations to temporarily close a road or road related area to traffic due to an obstruction or danger to traffic.

This power can be used whether or not a state of emergency is in place.

It is also not limited in its use in relation to emergencies—so may for example, be used in relation to minor incidents such as a fallen tree or a vehicle collision.

The power will be available to all emergency services organisations—recognising their shared role in managing incidents and emergencies.

"Emergency service organisation" is already defined within the Act at section 3 to include the following organisations:

- Ambulance Service of NSW
- Fire and Rescue NSW
- NSW Police Force
- NSW Rural Fire Service
- State Emergency Service
- Surf Life Saving NSW
- VRA Rescue NSW and
- Volunteer Marine Rescue NSW.

The bill defines a "responsible person" of an emergency services organisation as: the person in charge of members of the organisation present at the site of an obstruction or danger to traffic.

The bill adopts the existing definitions of "road" and "road related area" from the Road Transport Act 2013.

The bill places two limits on this new power:

- One, the power cannot be exercised if the closure is inconsistent with a direction given by a police officer, Transport for NSW, or the relevant roads authority. These agencies remain the most appropriate to manage road closures.
- Two, the person who closes the road or road related area or another person from the emergency services organisation is required to notify the NSW Police Force and Transport for NSW as soon as practicable after the closure.

This notification requirement saw a minor amendment in the other place. The Minister for Emergency Services moved an amendment—following discussions with the shadow Minister—to also permit the notification regarding the road closure to be made by another person from the emergency services organisation.

This change will provide some flexibility for emergency services workers and volunteers who are dealing with incidents involving road closures.

This is consistent with the intention behind this new power—being to support emergency services organisations to manage incidents safely, effectively and efficiently.

It is also a good example of how both sides of this place can work together to ensure better outcomes for those who put the laws we make into practice.

It is anticipated that the new power will be particularly useful in remote and regional areas of New South Wales when a rescue unit is the first on scene at an incident.

I am advised that it is not uncommon for some emergency services personnel to need to close roads by using their own vehicles as roadblocks to protect themselves, their colleagues and/ or the public.

If enacted, this new power will provide emergency services workers with a legal and safe way to close roads in relation to obstructions or dangers to traffic.

Emergency services organisations will also work together with Transport for NSW and any other relevant members of the State Emergency Management Committee to put in place appropriate arrangements for the use of the new power to manage the closure of roads.

These arrangements will be set out in an updated Management of Road and Traffic Incidents Memorandum of Understanding.

To provide time for this important preparatory work to be undertaken, schedule 1, clause 10 will commence on 1 January 2025. The rest of the bill will commence on assent.

Schedule 1, clause 6, amends section 15 of the SERM Act to include a new function for the State Emergency Management Committee, or "SEMC", to:

support emergency services organisations and other organisations to plan for the development and maintenance of the capabilities and service delivery capacity of the emergency management volunteer workforce.

Earlier this year, the Review of Emergency Volunteering Report was released and emphasised that the emergency volunteer workforce is the backbone of New South Wales's emergency management arrangements.

As recommended by the review, we must support the volunteer workforce, in the medium and long term, to meet the growing challenge of more frequent and compounding disasters.

The SEMC is established under the SERM Act to develop emergency management policy and oversee emergency management in New South Wales.

It brings together the key stakeholders across government and non-government agencies, including representatives from our emergency service organisations.

It is well placed to assist those organisations in planning to grow and maintain a sustainable and well-trained emergency volunteering workforce.

Schedule 1, clause 3, amends the definition of "Functional Area" at section 3 of the SERM Act to include Education Services.

Functional Areas are a category of services involved in the prevention of, preparation for, responses to or recovery from an emergency. They include, for example, Transport, Health and Welfare Services.

Following the review of the New South Wales State Emergency Management Plan, on advice from the SEMC, the Minister for Emergency Services established and endorsed a new functional area for Education Services in December 2023.

Including Education Services as a Functional Area in the Act formalises this new emergency management arrangement.

The Education Services Functional Area works across public schools, independent and Catholic schools, TAFE and non-TAFE skills providers, higher education and early childhood education.

As a Functional Area, Education Services will maintain a supporting plan that outlines how it will provide support to Combat Agencies and other Functional Areas during emergencies.

For example, in the event of a bushfire, the Education Services Functional Area will coordinate the closure of schools by liaising with the education sector and the bushfire combat agency, being the NSW Rural Fire Service.

Schedule 1, clause 9 amends section 60KA of the SERM Act to include Local Emergency Operations Controllers, or "LEOCONS", and Regional Emergency Operations Controllers, or "REOCONS", within the definition of "directing officer".

Both LEOCONS and REOCONS are emergency management roles established under the SERM Act.

LEOCONS are police officers with significant emergency management experience and are appointed by the relevant REOCON.

REOCONS are appointed by the Commissioner of Police and must be a regional police commander.

In New South Wales, emergency response is conducted at the lowest level of effective coordination. In emergency situations, it is these police officers appointed as the LEOCONS or REOCONS who are either helping to coordinate the support required by a combat agency or coordinating and controlling the response activities when there is no combat agency leading the response.

The amendment to the definition of "directing officers" will clarify that police officers appointed to these positions can exercise powers of direction under Part 4 of the SERM Act relating to emergency safety measures. Some of these directions include:

- directing persons to evacuate,
- pulling down or shoring up damaged walls, and
- shutting off or disconnecting the gas or power supply to premises.

Currently, only the Minister for Emergency Services, the State Emergency Operations Controller, or a police officer of or above the rank of sergeant can exercise these powers.

These powers do not explicitly extend to police officers appointed to the role of LEOCONS or REOCONS.

I have been advised that this may create challenges in some remote and regional areas of New South Wales where staffing availability is limited.

This amendment will ensure that an officer could be appointed as a LEOCON—and give appropriate directions in their role controlling the response to an emergency—regardless of their rank.

Consistent with existing section 30 (2), the officer to be appointed as a LEOCON would still need to be—in the opinion of the relevant REOCON—a person who has experience in emergency management.

The bill also amends various sections to update references and remove redundant provisions. These are:

- Schedule 1, clause 1, 5 and 11 support replacing references to "Department of Justice" with "Premier's Department". This reflects current administrative orders.
- Schedule 1, clauses 1, 2, 4 and 7 replace references to "New South Wales Volunteer Rescue Association Incorporation" with "VRA Rescue NSW Limited".
 - VRA has changed its corporate structure and adopted a new legal name—the amendment recognises its correct legal name.
- Schedule 1, clause 8 repeals a redundant provision. This is a housekeeping amendment.

This bill makes small improvements that will have important and wide-reaching impacts, improving safety on our roads both for our emergency services personnel and road users.

It will also see increased coordination and planning in the development and maintenance of the emergency management volunteer workforce.

I would like to take this opportunity to thank our emergency service workers and volunteers for their tireless efforts and ongoing commitment in supporting our communities.

Our best days lie ahead. But it is the actions we take today that can help guarantee it. We must look for opportunities to make sure our communities, our volunteers and our emergency service agencies are well prepared.

Today's bill is a package of sensible and tangible amendments to help us prepare for the future.

I commend the bill to the House.

Second Reading Debate

The Hon. SCOTT FARLOW (20:53): I lead for the Opposition in debate on the State Emergency and Rescue Management Amendment Bill 2024 and indicate at the outset that we will be supporting it. The bill takes important steps to enhance both the safety and efficiency of emergency management in our State, especially as we face more frequent and severe emergencies. One of the key changes in the bill is the new power that allows emergency service organisations to temporarily close roads or related areas, such as footpaths or shoulders, when faced with hazards. This is a practical and necessary measure, particularly in regional and remote areas where immediate action can prevent further danger. It ensures that our emergency responders can act swiftly to protect both themselves and the public. Importantly, this power comes with safeguards—any closure must align with the directions of Transport for NSW, the NSW Police Force or the relevant roads authority. Notification to the police and Transport for NSW must occur as soon as possible after closure.

The legislation also formalises the inclusion of education services as a functional area under the State Emergency and Rescue Management Act. Schools, TAFEs and other educational institutions are vital parts of our communities, and that amendment ensures better coordination during emergencies. Whether it is a bushfire or flood, timely decisions about closures and evacuations are critical for the safety of students and staff. The move strengthens our emergency preparedness by integrating education into the broader emergency response framework. The bill also addresses the essential role of our emergency management volunteer workforce. Volunteers are the backbone of our emergency response system, and they dedicate their time and skills under often challenging and dangerous conditions.

By creating a new function for the State Emergency Management Committee to support the development and maintenance of our volunteer workforce, the legislation recognises the need for sustainable volunteer numbers and ongoing training. With the increasing frequency of natural disasters, it is crucial that our volunteers are well equipped to handle the growing challenges we face. Regardless of political persuasion, we all share the common goal of ensuring the safety and resilience of our communities across New South Wales. The legislation is a reflection of that shared commitment, and I believe it serves the best interests of everyone in New South Wales. On behalf of the Coalition and all members of the House, I express our deep gratitude to all emergency service workers and volunteers. Their courage and dedication is exceptional.

Many members on this side of the House have seen firsthand the sacrifices they make and the unwavering spirit they bring to their roles. As we prepare for what could be a very challenging summer, we must ensure that they all have the support and resources they need to continue their vital work. The Deputy Leader of The Nationals in the other place, Mr Gurmesh Singh, raised a practical concern regarding the requirement for the "responsible person" to notify the NSW Police Force and Transport for NSW after closing a road. He suggested that another person within the emergency services organisation should also be allowed to fulfil that notification requirement on behalf of the responsible person.

The Opposition amendment simplifies the process and ensures that urgent matters are dealt with efficiently. I thank the Minister for considering that proposal and for moving the amendment in the other place. In closing, I commend the collaborative approach taken by the Government in drafting the bill. It is testament to what we can achieve when we work together for the greater good. The legislation will improve the safety of our communities and provide stronger support to our emergency services personnel and volunteers. I commend the bill to the House.

The Hon. BOB NANVA (20:56): I support the State Emergency and Rescue Management Amendment Bill 2024. The bill contains various proposals to better reflect emergency management arrangements in the current environment and improve the management of emergencies in New South Wales. I will specifically address the proposal to create a new function of the State Emergency Management Committee, or SEMC, to support emergency services and other organisations to plan for the development and maintenance of the capabilities and service delivery capacity of the emergency management volunteer workforce. The proposal demonstrates that the Government is proactive in planning for the future of emergency management and volunteering.

In recent years, we have seen an increase in the frequency and severity of emergencies impacting New South Wales. At times, consecutive, concurrent and compounding consequences have stretched the resources of the Government. We are also seeing a growing population. When we combine both those trends together, we can identify a need to prepare today so that we are ready to respond to the inevitable emergencies that we will experience in the coming years. The emergency volunteer workforce is the backbone of New South Wales's emergency management arrangements. We need to support our emergency volunteering sector whenever and

wherever we can. That is in line with the findings and recommendations of the *Review of Emergency Volunteering Report* that was released earlier this year by the Minister for Emergency Services.

The review made 13 recommendations to better plan for and strengthen emergency volunteering for both formal and informal volunteers, build volunteering capability and improve support for emergency services volunteers. One of the recommendations was for the State Emergency and Rescue Management Act and the State Emergency Management Plan to be updated to recognise the contribution of formal and informal emergency volunteers, in recognition of the critical role they play in supporting communities impacted by disasters. The proposal to create a new function for the SEMC will formally recognise the role of volunteers in one of the State's key emergency management legislative frameworks. For those reasons, I commend the bill to the House.

Dr AMANDA COHN (20:59): As The Greens spokesperson for emergency services, I indicate that The Greens will support the State Emergency and Rescue Management Amendment Bill 2024.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): Order! There is too much audible conversation in the Chamber. Members will treat the member with respect and allow her contribution to be heard in silence.

Dr AMANDA COHN: The bill makes several amendments to the State Emergency and Rescue Management Act 1989 [SERM Act] for efficiency and safety improvements to emergency management across New South Wales. The intent of the bill is to improve the management of incidents, provide for better coordination of emergency responses and improve support for emergency services workers and volunteers. The bill extends road closure powers to all emergency services organisations that are defined in the Act. As a former SES volunteer, I know that emergency services personnel already close roads by whatever means necessary for the sake of protecting safety. That is often done just by parking a vehicle across a road. The provision legislates a safe and legal way for volunteers to do so without relying on New South Wales police or Transport for NSW authorities to authorise that action. The change will be most beneficial for emergencies in remote and regional areas, where rescue units are often the first to respond to an incident.

The bill amends the definition of a functional area in the SERM Act to include education services, thus formalising education services as a functional area. That sensible change formalises, via legislation, what is already in place as of late last year. It will integrate educational institutions such as schools, universities, early childcare centres and other educational bodies into the emergency management framework so they can coordinate with combat agencies and other functional areas. Clear communication and collaboration across sectors such as education, transport and health enable quicker decision-making and a unified approach to protecting lives, property and communities.

The bill adds a new function for the State Emergency Management Committee to support emergency services organisations to plan for the development and maintenance of the capabilities of the emergency management volunteer workforce. Volunteers are the lifeblood of emergency response in New South Wales, playing a critical role in managing disasters, accidents and other emergencies, particularly in rural and remote areas. Volunteerism is declining across Australia, and the issues that are impacting the different agencies are of a similar nature. With that consideration, some centralised support for the development and maintenance of the emergency services volunteer base makes sense.

The bill clarifies the definition of local emergency operations controllers and regional emergency operations controllers under the Act. That change means that those controllers, regardless of rank, will be able to issue directions such as evacuations or utility disconnections. The Minister has said that clarification intends to streamline emergency management in areas where staffing limitations exist, ensuring that experienced officers can take on those roles even if they are below the rank of sergeant.

The Greens have concerns about low-ranking officers in remote and regional areas potentially being appointed as controllers and being granted the authority to make significant decisions in emergency management situations. We believe that the adequate selection of directing officers and the training and support that they receive are critical to ensuring that the management of emergencies across New South Wales is in good hands. We have raised those concerns with the Minister, who has provided assurances that he has consulted with local emergency services on changes to who can be a directing officer and what powers they are afforded. He has also provided assurances about the process by which those roles are appointed and the kind of experience that is required. We will keep a close eye on the impacts of that change. The bill introduces a collection of practical changes for the management of emergencies in New South Wales. We must do that and much more to support the State's changing emergency workforce, in particular our incredibly valuable and generous volunteers.

The Hon. CAMERON MURPHY (21:02): I am pleased to speak in support of the State Emergency and Rescue Management Amendment Bill 2024. The Minister for Emergency Services has introduced a bill to make

various amendments to one of the State's key emergency management legislative frameworks, the State Emergency and Rescue Management Act 1989. One of the key themes of the bill is that emergency and rescue management requires a multi-agency approach. The Minister has always emphasised that multi-agency coordination and interoperability between our emergency services is a key focus of this Government. It is a core principle of our emergency management arrangements for the prevention of, preparation for, response to and recovery from emergencies. The "all hazards and all agencies" approach in New South Wales requires our emergency services organisations and other relevant government agencies to work closely together, to share information and to provide support to each other, regardless of the emergency they are managing. The bill contains several amendments that promote this multi-agency approach.

The first change is the new function for the State Emergency Management Committee [SEMC]. This function requires the SEMC to support emergency services organisations and other organisations to plan for the development and maintenance of the capabilities and service delivery capacity of the emergency management volunteer workforce. Emergency volunteering in New South Wales has strong foundations. This was highlighted in the recent Review of Emergency Volunteering reports, published in June of this year. Our volunteer services are all grappling with the challenge of recruitment and retention, particularly in regional and rural New South Wales. The bill is proposing that the SEMC, the peak emergency management committee of New South Wales, be given an explicit function to support planning to address this challenge. I wanted to canvass a number of other matters in exceptionally great detail, but for the benefit of the House, I will leave my contribution right there.

The Hon. MARK BUTTIGIEG (21:05): On behalf of the Hon. John Graham: In reply: I thank members for their contributions: the Hon. Scott Farlow, the Hon. Bob Nanva, Dr Amanda Cohn and the Hon. Cameron Murphy. The bill reflects the Government's ongoing commitment to good policy, practice and governance through the regular review of legislation and response to identified needs. The bill makes various amendments to ensure that the State's legal framework and governance for emergency and rescue management operates effectively, is kept up to date and is responsive to developments in the emergency services sector.

The Hon. Scott Farlow rightly acknowledged the work of volunteers and the need to support them in their work. He cited the constructive way in which the Opposition and the Government worked together on amendments to enhance the practicality of the bill. The Hon. Bob Nanva emphasised how the bill complements the Government's volunteering review by enhancing agency coordination on supporting our volunteer workforce. Dr Amanda Cohn highlighted the bill's road closure powers. I acknowledge and thank her for her personal experience as an SES volunteer. We welcome her insights into how governments can better support this workforce. In this bill, the Government is proposing a range of sensible and practical measures to streamline and improve the management of incidents and emergencies in New South Wales. The bill will ensure that one of the State's key emergency management laws, the State Emergency and Rescue Management Act 1989, is fit for purpose. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this bill be now read a second time.

Motion agreed to.

Instruction to Committee of the Whole

The Hon. EMMA HURST: According to standing order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider an amendment to the State Emergency and Rescue Management Amendment Bill 2024 in relation to the Wildlife Information Rescue and Education Service [WIRES].

Motion agreed to.

In Committee

The CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. There is one amendment, being Animal Justice Party amendment No. 1 on sheet c2024-187A.

The Hon. EMMA HURST (21:09): I move Animal Justice Party amendment No. 1 on sheet c2024-187A:

No. 1 **Wildlife Information, Rescue and Education Service**

Page 3, Schedule 1. Insert after line 28—

[8A] Section 52 Definitions

Omit "Wildlife Information and Rescue Service" from section 52(2).

Insert instead "Wildlife Information, Rescue and Education Service".

The amendment simply seeks to correct the reference to WIRES in the Act. Currently, the Act misnames the organisation. It references the "Wildlife Information and Rescue Service", instead of the correct name, which is the Wildlife Information, Rescue and Education Service. I have spoken to the Minister about the amendment, and I believe that the Government and the Opposition support it. While the amendment does not change the status quo, it is important to recognise the role of wildlife services generally in state emergencies and rescue management. Natural disasters and emergencies affect everyone. That includes animals, from companion animals to farmed animals and, of course, wild animals. We saw the impact of the Black Summer bushfires on all animals and the risks that people took to desperately save lives.

There is very little by way of government-led wildlife services. Volunteer- and charity-led wildlife services play a critical role to fill that gap by responding, rescuing and providing care through networks of employees and volunteers. There is a clear role for collaboration between wildlife rescuers and other services. That relationship can be strengthened, and the role of wildlife experts can be broadened. There is still a long way to go to ensure that this and other relevant legislation properly support wildlife rescue organisations to do their valuable work in the space. I understand that Minister Dib is having constructive conversations with organisations. I thank him for that. I hope that sees legislative changes in the near future to reflect the work that is being undertaken. At this stage, it is important that the legislation adequately recognises the correct name of the organisation. I hope that we have further conversations with the Minister about more substantive changes soon.

The Hon. MARK BUTTIGIEG (21:11): The Government supports the amendment. The Hon. Emma Hurst has proposed the amendment to ensure that the Act refers to the correct name for WIRES—that is, the Wildlife Information, Rescue and Education Service. One of the purposes of the bill is to update references to ensure that the Act correctly reflects the current emergency management arrangements. The change proposed by the Hon. Emma Hurst is similar to the bill's change to update the Act to ensure that it refers to the correct name of VRA Rescue NSW. The Government has no concerns in supporting the proposed change and thanks the honourable member for her amendment.

The Hon. SCOTT FARLOW (21:12): For the reasons outlined by the Parliamentary Secretary and in the spirit of cross-partisanship that the bill has attracted, the Opposition supports the amendment moved by the Hon. Emma Hurst.

The CHAIR (The Hon. Rod Roberts): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2024-187A. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Rod Roberts): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. MARK BUTTIGIEG: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.

Adoption of Report

The Hon. MARK BUTTIGIEG: On behalf of the Hon. John Graham: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. MARK BUTTIGIEG: On behalf of the Hon. John Graham: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. MARK BUTTIGIEG: I move:

That this House do now adjourn.

INTERNATIONAL YEAR OF COOPERATIVES

The Hon. ANTHONY D'ADAM (21:14): The year 2025 has been declared the International Year of Cooperatives by the United Nations. The theme "Cooperatives Build a Better World" is intended to showcase the enduring global impact cooperatives have everywhere. Cooperatives, or co-ops, are member-owned and democratically controlled organisations designed to meet the common needs and aspirations of their members. Unlike for-profit enterprises, where power is concentrated in the hands of individual owners or shareholders, cooperatives distribute control equally among all members, giving each person one vote regardless of their financial stake. This democratic structure not only promotes fairness but also challenges many of the exploitative features of the for-profit system by empowering people to shape their futures collectively. Cooperatives offer an alternative business model rooted in solidarity, collective ownership and shared prosperity.

Cooperatives have their origin in the upheaval caused by the industrial revolution of the nineteenth century. Workers faced low wages, poor working conditions and exploitation. At the same time, many small farmers and craftspeople struggled to compete with large-scale industrial enterprises. In response, people turned to self-help and began forming cooperatives to pool their resources and work together for mutual benefit. The most famous example of the early cooperative movement is the Rochdale Society of Equitable Pioneers, founded in 1844 in Rochdale, England. This cooperative was formed by 28 weavers and artisans who were dissatisfied with the poor-quality goods and exploitative practices of local merchants. The Rochdale Pioneers set out to create a store that would sell high-quality affordable goods to its members, with profits shared among the members based on their purchases. They established guiding principles known as the Rochdale Principles. Today these principles are broadly reflected in the seven principles of the international cooperative movement:

1. Voluntary and Open Membership
Cooperatives are voluntary organisations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.
2. Democratic Member Control
Cooperatives are democratic organisations controlled by their members, who actively participate in setting their policies and making decisions.
3. Member Economic Participation
Members contribute equitably to, and democratically control, the capital of their cooperative.
4. Autonomy and Independence
Cooperatives are autonomous, self-help organisations controlled by their members. If they enter into agreements with other organisations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.
5. Education, Training, and Information
Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their co-operatives.
6. Cooperation among Cooperatives
Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.
7. Concern for Community
Cooperatives work for the sustainable development of their communities through policies approved by their members.

Today there are over 600 cooperatives operating in New South Wales. They exist in many forms and sectors, including agriculture, retail, finance, energy and housing. They are recognised as a way to promote economic democracy, sustainable development and social equity. They foster economic inclusivity, allowing individuals who might be excluded from traditional markets due to financial constraints or geographical challenges to participate actively in business. Cooperatives build stronger and more resilient communities. They have the potential to play a vital role in areas of service provision where predatory behaviour by for-profit businesses has seen vulnerable consumers exploited. This is particularly the case in human services like disability care, aged care, health care, child care, and in other service areas such as strata scheme management and the housing sector.

Unfortunately, in New South Wales the cooperative sector has gone largely unrecognised and unsupported by government. There is a significant role for government to play in supporting cooperatives by creating policies and providing resources that encourage and facilitate their formation and growth and level the playing field with the for-profit sector. As the Preston Model has demonstrated, cooperatives can play a key role in community wealth building. New South Wales should integrate cooperatives into broader economic development strategies and recognise their role in creating local jobs, economic resilience and community wellbeing.

Co-ops and mutuals help build an economy with a diversity of business types that is not dominated by corporations that only act in their own interests. Co-ops are focused on service and price rather than extracting the most profit. This results in longer-term business strategies, as they do not need to respond to short-term stock market pressures. Cooperatives offer a unique, democratic and socially conscious approach to business. By supporting cooperatives, the New South Wales Government could promote economic inclusivity, resilience and sustainability, and help to create stronger and more equitable communities across the State. As the International Year of Cooperatives approaches, it is time New South Wales did more to support its cooperative sector.

FREEDOM OF SPEECH

The Hon. CHRIS RATH (21:19): From Socrates and Cicero to the Renaissance, the Reformation and the Enlightenment, and to the global conflicts and the social movements of the twentieth century—we today owe our freedom to those who fought for it long before us. Unfortunately, we also take our freedom for granted. Freedom is an objective good, and no freedom is more important than our inalienable right to freedom of speech. As a species, human beings have an unprecedentedly large cerebral cortex and the ability to understand complex syntactic language, share knowledge and reason. That is why John Milton correctly argued in 1644, "Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties", or, put another way, "Give me the right to free speech, and I will use it to claim all my other rights. But if you take away my right to free speech, how will I stop you taking away all my other rights?"

That is why we should oppose the Federal Labor Government's attempt to bestow upon itself unprecedented levels of power to suppress speech in the form of the misinformation bill. The bill is dangerous because it proposes that an unelected group of bureaucrats at the Australian Communications and Media Authority [ACMA] will have to arbitrate what truth is. They will wield immense suppressive power and monopolise political discourse. Yet when we consider freedom of speech, unilateral and arbitrary declarations of absolute truth do not come to mind. Censoring someone's opinion is an assertion, by the censor, of perfect knowledge. I am sure that those in the seventeenth century who censored Galileo's theory that the earth revolves around the sun, rather than the other way around, probably assumed that they had perfect knowledge on the matter. But the fact is that genius can only exist in an atmosphere of freedom where good arguments drive out bad ones in the marketplace of ideas.

It is also why the bill is an affront to due process and human expression. As John Stuart Mill once said, "All silencing of discussion is an assumption of infallibility." Well, Anthony Albanese and ACMA do not have perfect knowledge—none of us do—but it is funny how people often recognise fallibility in others but rarely in themselves. If that was not enough, the bill also bifurcates Australians into different classes based on the worth of their thoughts. Academics are free to publish whatever they want, but all other citizens risk being charged with misinformation, and even imprisonment for up to a year, for disagreeing. The likely outcome, unfortunately, is that Australians will self-censor controversial thoughts rather than risk punishment.

The Hon. Anthony D'Adam: Like support for Hezbollah?

The Hon. CHRIS RATH: It is quite literally the spitting image of 1984, Anthony Albanese's very own ministry of truth. I will let the Hon. Anthony D'Adam have his say if I could just finish in silence. The bill also abrogates the Government's responsibility over the information landscape to foreign, big tech. That will inevitably encourage social media companies like TikTok and Facebook to over-censor, rather than under-censor, lest they risk being hit with huge fines from the regulator. Meta is publicly opposed to having that power as it does not believe that it is its job to determine truth, nor should it be. In New South Wales, we could face a similar battle for fundamental liberties with the teals calling for truth in political advertising.

To force a body like the Electoral Commission to become an arbiter of truth would risk a perception of bias, undermining not only the implied freedom of political communication but also our most important democratic institutions. That is a power that the commission is not seeking and does not want. It is chilling that some in our society seem to be abandoning the inalienable right to freedom of speech under pressure from the offenderati. It used to be "I disagree with what you say, but I will defend to the death your right to say it", but now it has become "I disagree with what you say, and you will be silenced, cancelled and referred to a tribunal." The people of New South Wales do not want their government to dictate what they can and cannot say. The best antidote for false speech is not censorship; it is the use of free speech to counteract it and convince others.

UNITED STATES OF AMERICA ELECTION

The Hon. JOHN RUDDICK (21:24): I endorse Donald Trump in the American election. The United States Libertarian Party's ideological purity and intellectual boldness inspires libertarians Down Under, but a candidate selection has made that impossible. Trump is pro-world peace. Why are notorious warmongers like Dick Cheney so intensely anti-Trump? Cheney is right wing on everything; Kamala Harris is left wing on

everything. But Cheney has endorsed Harris because his first allegiance is to an aggressive America. How did the Democrats morph into the political arm of the military industrial complex?

The United States was founded on the sacred principle of non-intervention. George Washington, clearly no pacifist, said in his farewell address, "Cultivate peace and harmony with all nations." The great rule for us in regard to foreign nations is in extending our commercial relations and to have with them as little political connection as possible. America avoided inflaming foreign wars for over a century and profoundly prospered. American ingenuity invented the modern world. But a century ago Woodrow Wilson, a Democrat, was lusting to enter World War I against popular opinion, and eventually found his trigger. Left-wing leaders too often lust for glory, and the pinnacle of state-sponsored glory is victory and war. America ended that pointless war, but Allied vindictiveness soured the peace, so America happily reverted to non-intervention.

A couple of decades later, another Democrat Franklin Roosevelt lusted to plunge America into another war and then events forced his hand. After that 60-million-dead bloodbath, America was militarily powerful but then faced the genuine threat of communism enslaving the world. America rightly led an alliance of free nations to contain that threat. During the Cold War, President Eisenhower—again, no pacifist—used his farewell address to warn of defence contractors capturing the executive and turning the United States into a militaristic empire. With the implosion of the Soviet Union, America was like Rome after the Punic Wars—all supreme. Paleo-conservatives and libertarians were then a unity ticket: Communism was vanquished, so America must return to non-intervention.

But there were so many snouts in the trough that the Cold War has marched on despite Russia and China being more liberal today than they have ever been. Yes, they are not Switzerland, but the trendline is positive as a middle class emerges. George Washington urged us to see good in other nations to defuse tension. The hawks have the opposite view. The neo-cons were originally Democrats who switched to Republican as Reagan rightly stared down the Soviets. The neo-cons never enjoyed so much power as they did under the regime change wars. When Trump first ran for the Republican nomination, he declared those wars were a disgrace. He had the audacity to say he wanted friendly relations with Russia. The neo-cons tried everything to stop Trump, but he won the primary and so the neo-cons returned home to their big-state-loving Democrats, who were in such a tizzy about Trump that they welcomed anyone.

The neo-cons may be evil, but they are not fools and they grabbed the policy levers of the Democrats, and that party today is the pro-imperial America party. Those Dr Strangelove-type figures are today encircling and provoking nuclear-armed Russia and China. We should be eager for goodwill, not hostility. In his first term, Trump stood in the tradition of Washington and Eisenhower and moved decisively to cool international tension and make peace. This is what all the undermining of Trump was; he was putting the military industrial complex out of business. On a personal level, I like Donald Trump. I admire his optimism, his humour, his candour, his confidence and his swagger, and, most of all, I admire his courage under literal fire and the intense cancer of political litigation. There is correlation between attempts to jail Trump and good polling. Only a malevolent partisan can believe the owner of the Miss Universe competition who is married to a supermodel would go into a department store and harass an unstable nobody. Partisan courts slapped Trump with a half-a-billion-dollar fine over that garbage.

I like Trump's team, in particular Vivek Ramaswamy, whose outstanding intellect exposes the woke mindset. I revere the courage of Robert Kennedy, who blew the whistle on big pharma, and Tulsi Gabbard, who describes her former party, the Democrats, as the party of warmongers. I especially admire Elon Musk, who has said he wants to do to Washington DC what he did to X—make it a better product with 20 per cent of the staff. That is a team that can truly make America great again. Vote Trump. I am glad some members of the Labor Party are in the Chamber, because they all hate Trump, but they have been tricked into it by the military industrial complex. That is who they are supporting. The Hon. Anthony D'Adam is pro-world peace. If he is truly pro-world peace, he should jump— [*Time expired.*]

BRITISH MONARCHY

The Hon. CAMERON MURPHY (21:29): With the impending visit of the King, now is a suitable time to reflect on the role of the monarchy in modern Australia. There has been little public enthusiasm about the upcoming visit, and that should not be surprising. The monarchy is totally unconnected to Australia and Australians today. I have long been frank about my view that Australia and this State should become a republic, and those views remain unchanged. I, like a majority of Australians, have no allegiance to Charles. I consider it absurd that the head of state is someone who was born and lives in another country, and only holds such a role due to our colonial past. Further, the inherent characteristics of the monarchy, such as the head of state is determined by who the firstborn child is in a privileged family and their dual role as the leader of a particular religion, are out of step with the values and day-to-day lives of many in modern, multicultural Australia.

Australians value equality. We should be seeking common ground instead of celebrating a system entrenched in hierarchy. Charles should be welcomed as a foreign dignitary, but it is inappropriate that he be a representative of our country. If anything, Charles represents the interests of the United Kingdom. As sovereign nations, those interests will inevitably conflict with Australia's. A clear demonstration of that is the recent COP27 Climate Change Conference in Egypt in 2022. Despite being personally passionate about combating climate change, the King withdrew from attending the summit at the request of short-reigning United Kingdom Prime Minister Liz Truss. Australia, on the other hand, through our democratically elected leaders, argued for tougher action on climate change. Then there is the fact that recent research by the Australian Republic Movement suggests that 60 per cent of Australians would prefer an Australian head of state to Charles, and a May 2023 Guardian Essential poll found that 54 per cent of Australians would vote yes in a republic referendum.

Notwithstanding that, King Charles is currently the head of state, and this is likely to be his final royal tour in Australia. As such, the King should take this as an opportunity to apologise and take accountability for the many horrors that were committed in Australia as a British colony, under the auspices of the Crown and in the name of his family members. Charles could, for example, apologise for the frontier wars, which were a significant aspect of the violent colonisation of this land by the British. While the total number of deaths of Aboriginal people in those conflicts is difficult to estimate—scholarship produces numbers of between 20,000 and 100,000—it is clear that about 90 per cent of Australia's Aboriginal population was killed through massacres, armed conflict, genocidal breeding programs and the spread of disease by colonists. King Charles could also apologise for the Stolen Generations, as our own Prime Minister did in 2007. The King could call for the British Museum to return the approximately 6,000 Aboriginal Australian items and artefacts it continues to hold in its collection, acquired through a process of violent invasion and occupation over the past 250 years.

The head of state of any nation should provide moral—not just political, religious or managerial—leadership, and the monarch's continued silence on those and other such matters makes him unfit for the job. On the topic of moral leadership, Charles should also consider redressing the central role the British monarchy played in slavery. As per investigative journalist David Conn, 12 British monarchs over the course of 270 years were key drivers of slavery across the world and "supported, sponsored or profited from Britain's involvement in slavery".

Regardless of the King's personal character and beliefs, Australia deserves a head of state who is Australian, who lives and works in Australia, and who is not conflicted by the interests of other post-colonial nations. In our modern democratic nation, any Australian, regardless of class or cultural background, should have the opportunity to become the head of state. Rule by birthright is not an appropriate mechanism for determining who has access to power. We deserve a champion who stands up for Australia. We deserve to be a republic and to have an Australian head of state. [*Time expired.*]

SOCIAL MEDIA ABUSE

The Hon. SUSAN CARTER (21:34): Last week South Australia and New South Wales held a social media summit, which was a timely opportunity to consider the impact of social media on our lives. This summit had a focus on children, but our consideration of social media and its impact needs to be broader. We know that social media can be a force for good and for connection. But we are now also becoming aware of its dangers—especially in the way it is too often misused to bully, harass and abuse. It is almost impossible to imagine a life without social media, yet it has only been a part of our lives for the past 25 years. Like so many new things, we are struggling to learn how to use it and how to use it well.

One of the most pressing concerns highlighted at the social media summit was the detrimental effect of social media on the mental health of young Australians, which is entirely appropriate to remember in this October Mental Health Month. Many people are calling for stricter age restrictions as a way to protect the mental health of our youth. The summit also underscored the urgent need for comprehensive digital literacy programs to empower users to navigate online spaces safely. Additionally, discussions emphasised the importance of fostering positive online communities and the role of social media platforms in mitigating harmful content. It is the role of Parliament to engage in this space. However, a whole-of-community approach is also important to get this balance right.

One of the great challenges of social media is that it separates the act of speech from seeing the person to whom we are speaking. Perhaps this is one of the challenges of the connection between overuse of social media and falling mental health. It is a false connection. It is a virtual connection; we are not seeing a real person and no real person is responding to us. That is a major challenge of social media. We have all had the experience of seeing lots of comments on a social media page, often from people that we have never heard of before. Are they connected to us? No. Are we affected by what they are saying about us? Likely, yes. That is a real challenge. Think about the same thing in the real world. If people that we did not know were saying nasty things about us five suburbs away, happily, we would never know that. But social media brings it to us. That is one of the major challenges

for our children. Social media brings unwanted comments to them, wherever they are—at school, at home or on the bus. They cannot escape from it. Social media makes it very hard to balance the positive with the negative.

Also, because we do not see the person with whom we are engaging, we often forget about the impact of our speech on them. We forget about our responsibility to exercise our freedom of speech well and to respect the other person in the process. If they are standing in front of us, we get that feedback. If they are on the other end of a device and we cannot see them, we do not get that feedback. That requires us to be even more careful about these things. Communication on social media is often asynchronous, so the check and balance of speech—the response and correction—is entirely missing. We do not see the consequences of expressing derogatory opinions, so, sadly, we are often encouraged to express more of those. We do not see any hurt which is inflicted, and we do not see how widely our words are distributed. We see the screen in front of us and not the person on the other end.

If behaviour is unacceptable in person, it is unacceptable online. In fact, it is arguably more unacceptable online because the language used there stays forever, and it is very hard to escape. Our civil society is precious and fragile. Our civil democratic society only survives for as long as its citizens hold themselves and their fellows to standards predicated on respect for all. Rights carry responsibilities, and one of the most important is respect for the person to whom we are speaking.

TOUCHED BY CHRISTOPHER FOUNDATION DINNER

The Hon. MARK BUTTIGIEG (21:39): I take the remaining time for the adjournment debate to acknowledge the fact that I, along with my colleague the Hon. Emily Suvaal, was invited to attend the Touched by Christopher Foundation dinner at Pymont this evening. The dinner is held by Christopher Cassaniti's parents, Patrizia and Rob Cassaniti. Members will remember that young Christopher passed away when he was crushed by scaffolding which collapsed on a building site. Minister Sophie Cotsis was also in attendance, as was Unions NSW at a table led by Mark Morey. The master of ceremonies was Spiro Christopoulos, who works for Ben Fordham on the morning show. The foundation raises a ton of money by engaging people in the construction industry, builders and unions to raise money to feed back into safety initiatives and to assist families who have lost people to workplace deaths, which, unfortunately, is far too often an occurrence in a modern, developed society like Australia.

People will remember that the Cassaniti case was emblematic in leading to the introduction of the industrial manslaughter laws, which were originally designed by Adam Searle, who is now the chair of the foundation, and were of course introduced and passed in this House by the Minister for Industrial Relations, Sophie Cotsis. The Government is very proud of that bill, which criminalises industrial manslaughter. It was a death that was eminently avoidable, had the right preparation and investment in safety gone into the job. There are far too many deaths and injuries in Australian and New South Wales workplaces that continue to happen as a result of negligence. Thanks to the work of this Parliament and, of course, the Cassaniti family and the unions for lobbying for so long, we now have laws which make it a criminal offence.

Indeed, there was a time during my apprenticeship when I came close to falling foul of a workplace accident. I was told to climb on top of a live pole transformer by someone who did not know what they were doing. I was a 16-year-old apprentice at Kurnell in the middle of winter. Had I not been wearing several layers of clothes, I would have been electrocuted and would not be here today. In those years without the industrial manslaughter laws, had I passed away, my parents would not have been able to successfully sue in the courts for a criminal proceeding.

It is a tragic and sad affair to have your son pass away, but I acknowledge the admirable work of Patrizia and her husband, Rob, in using their son's legacy and making something good of his unfortunate death to make the world a better place. His memory is not in vain. We were glad to attend the dinner, even though we could not go for long, because we could not get a pair tonight. We were glad to drop in for the brief time that we did to acknowledge the great efforts of the foundation and the work of the Cassaniti family. I reiterate how important it is that we have those laws and that at least something good has come of that tragedy.

The ASSISTANT PRESIDENT (The Hon. Peter Primrose): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 21:43 until Tuesday 22 October 2024 at 12:30.