

Second Reading

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.07 a.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This bill provides for amendments to the Anti-Discrimination Act to remove any doubt that discrimination on the ground of breastfeeding is unlawful.

2007 marks the 30th anniversary of the Anti-Discrimination Act. Thirty years ago, the New South Wales Parliament moved to outlaw discrimination on the grounds of race, sex and marital status in the areas of employment, the provision of goods and services and accommodation, and race discrimination in education.

Since then the New South Wales Parliament has responded to deal with other forms of discrimination. The Anti-Discrimination Act now applies to discrimination on many grounds, including age, religion, disability, carers' responsibilities, pregnancy, homosexuality and transgender status.

Discrimination on these grounds is rendered unlawful in the areas of employment, State education, goods and services, accommodation and registered clubs. Both direct and indirect discrimination are against the law.

Honourable Members, the bill before the House seeks to further enhance the coverage of the Anti-Discrimination Act by removing any doubt that discrimination on the ground of breastfeeding is unlawful.

Discrimination on the grounds of a person's sex or a characteristic that pertains to a person of that sex, or is generally imputed to a person of that sex, is already unlawful under the Anti-Discrimination Act 1977. Pregnancy is specifically cited as a characteristic that appertains generally to women.

This bill will insert a new provision into the Act to make it clear that breastfeeding is also a characteristic that appertains generally to women. The bill also provides that breastfeeding includes the act of expressing milk.

The bill also makes it clear that a person is not to be treated as having unlawfully discriminated against a man on the ground of sex merely because that person grants a woman rights or privileges in connection to breastfeeding.

It is timely for New South Wales to clarify the law in this area. There is now considerable evidence to suggest that increasing levels of breastfeeding will bring important benefits for the health of the Australian community.

Clearly prohibiting discrimination on the grounds of breastfeeding will ensure that women who choose to breastfeed are protected from any discriminatory conduct which may impact on that choice.

In 2003 the World Health Organisation and UNICEF jointly endorsed their Global Strategy for Infant and Young Child Feeding, which drew attention to the need to provide facilities for breastfeeding women to be able to engage in employment outside the home, while continuing to breastfeed.

Enacting legislation to remove any doubt that discrimination on the grounds of breastfeeding is unlawful will make an important contribution to achieving this global goal.

Honourable Members, these amendments will provide breastfeeding mothers with the protection of the law, helping to ensure that children in this State are given the best start in life. I commend the bill to the House.