

PORTFOLIO COMMITTEE NO. 5 - JUSTICE AND COMMUNITIES

Thursday 27 February 2025

Examination of proposed expenditure for the portfolio area

WOMEN, SENIORS, PREVENTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT

UNCORRECTED

The Committee met at 9:15.

MEMBERS

The Hon. Robert Borsak (Chair)

Ms Abigail Boyd

The Hon. Mark Buttigieg

The Hon. Susan Carter

The Hon. Emma Hurst

The Hon. Natasha Maclaren-Jones (Acting Deputy Chair)

The Hon. Bob Nanva

The Hon. Nichole Overall

The Hon. Emily Suvaal

PRESENT

The Hon. Jodie Harrison, *Minister for Women, Minister for Seniors, and Minister for the Prevention of Domestic Violence and Sexual Assault*

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Mr MICHAEL TIDBALL, Secretary, Department of Communities and Justice, on former oath

Ms ANNE CAMPBELL, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, on former oath

Ms HANNAH TONKIN, Women's Safety Commissioner, Department of Communities and Justice, on former affirmation

Ms GILLIAN WHITE, Deputy Secretary, Social Policy and Intergovernmental Relations, the Cabinet Office, on former oath

Ms TANYA SMYTH, Director, Women NSW, the Cabinet Office, on former affirmation

Ms KATHRYN McKENZIE, Acting NSW Ageing and Disability Commissioner, NSW Ageing and Disability Commission, on former oath

Ms BIANCA JARRETT, Executive Director, Transforming Aboriginal Outcomes, Department of Communities and Justice, sworn and examined

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The CHAIR: Minister, in the past few years we got to a low point in women's sport as we have seen trans women—biological men—invalidate these competitions, putting women in danger, and allowing them into change rooms and toilets. Locally the Flying Bats women's soccer team dominated the competition because they had four biological men on their team. That caused some parents to pull their daughters out of the league, fearing for their safety. There are already cases of rape in women's prisons and women's toilets overseas as a result of allowing biological men who identify as women in women's spaces. In a courageous and fitting move in February this year, the NCAA in America prohibited transgender women from competing in women's sports. This includes student athletes who were assigned male at birth who have started hormone therapy. There are other moves afoot to prevent biological men from competing in women's sport at the Olympic level to make women's sport about women and not have them usurped by men. How is the Government ensuring that biological women are protected from competing with biological men in women's sport and risking injury?

Ms JODIE HARRISON: It's our view that the sporting codes themselves are in the best place to make decisions about the inclusion of trans people in their codes and whether they can play in men's teams or women's teams. If it's an issue of physical capability, which is part of what the argument is about—

The CHAIR: With due respect, you're not answering the question. How many women who are transitioning to men actually participate in men's sport? Very few, I would consider to be the case; yes?

Ms JODIE HARRISON: I don't have the figures for that. The sporting codes may have; I don't know. It is in our view the sporting codes—if it is an issue about physicality—

The CHAIR: Isn't it an issue of women's safety?

Ms JODIE HARRISON: If it's an issue about whether someone can safely play on a field in competition—

The CHAIR: Or in a boxing ring.

Ms JODIE HARRISON: It's our view that it's about the technical decision that is made about whether a person can play that sport and who they can play it against. That's why, in boxing, for example, you have different weights. It's our view that it's the codes themselves who are best placed to make those decisions.

The CHAIR: You're saying the Government doesn't have a position. What the Government is doing is pushing it down to the sports bodies themselves and letting the administrators make those decisions.

Ms JODIE HARRISON: It's our view that the sporting codes themselves have the best technical capacity to make those decisions.

The CHAIR: Minister, how is the Government ensuring that women are safe to change or use toilet facilities without privacy and safety being threatened by biological men?

Ms JODIE HARRISON: I think the issue that is being alluded to is whether somebody has the ability to perpetrate a crime in a particular place and the Government is very firm that if a crime is committed, that crime should be reported.

The CHAIR: With respect, the question is not about a crime being committed; it is about preventing a crime being committed by the Government having a policy that says men are men and women are women, and biological men should not be allowed in women's spaces, especially toilets and change rooms—long before a crime is committed in those places, surely.

Ms JODIE HARRISON: There are women's change rooms and there are men's change rooms. Certainly, to us, if somebody identifies as a woman, then they should feel free to use women's change rooms. If somebody identifies as a man, they should feel free to use men's change rooms. That does not mean that someone can perpetrate a crime or should perpetrate a crime. We're really strong: If there is a crime committed, then we'll take action. It should be reported to police and the police will take action.

The CHAIR: That is your position then, that trans women are allowed into women's change rooms regardless of how real women feel about them being in there.

Ms JODIE HARRISON: It's our view that women are entitled to go into women's change rooms. Men are entitled to go into men's change rooms.

The CHAIR: Of course, women are allowed to go into women's change rooms. We don't have any doubt about that. But what you're saying is that trans women have just as much right to be there as women.

Ms JODIE HARRISON: What we're saying is that people who identify as women should be able to go into women's change rooms. Men who identify as men should be able to go into men's change rooms.

The CHAIR: So biological women come second to people who imagine themselves, or are transitioning from men, to be women. Does that sound like a logical situation? You're setting up a situation for a crime to be potentially committed, aren't you? That's how you started to answer the question, about a crime being committed.

Ms JODIE HARRISON: I'd have to look at BOCSAR stats to see whether there's any evidence on whether trans people perpetrate crimes—I think the majority of people who perpetrate crimes against women are actually men. They're men. They identify as men.

The CHAIR: So you're saying that, if they identify as a woman, they don't commit crimes in women's change rooms or toilets?

Ms JODIE HARRISON: I don't know. I'd have to look at the data on that. But I certainly know that the majority of people who commit violent crimes and sexual assaults against women are men. And they identify as men.

The CHAIR: At the end of the day, Minister, my question is not about whether crimes are committed or not. My question goes to the appropriateness of what is actually being allowed to occur. Do you agree with that? Is it appropriate? You're saying it is.

Ms JODIE HARRISON: It's our view that people who identify as women should be able to use women's change rooms and men who identify as men should be able to use men's change rooms.