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**ACTS AMENDMENT (LESBIAN AND GAY LAW REFORM) BILL 2001**

*Second Reading*

Resumed from 5 December.

**MR BRADSHAW** (Murray-Wellington) [9.12 am]: I rise to present my views on this Bill. At the outset, I advise that I will not support this legislation. This Bill contains a range of controversial matters and it is the fault of the Government that it has not presented this legislation in two parts; that is, matters that could be agreed to by both sides of the House should have been presented in one Bill, and the more contentious issues should have been debated in another forum or another form. However, the Government chose to bring the legislation in this way, and I regret that.

I do not oppose this Bill lightly. Like a lot of people, I have given the issues a lot of consideration. As the representative from the electorate of Murray-Wellington, I have not taken a poll of what people think about this legislation. However, after getting around and listening to people over the past few weeks, I am of the view that in general they are opposed to the main provisions of this legislation, including changing the age of consent for homosexuals, allowing children to be adopted by homosexuals and same-sex couples, and allowing same-sex couples and lesbians to have access to in-vitro fertilisation treatment. As I said, the consensus that I have received from going around my electorate is that most people are opposed to this legislation. It is the Government's duty to go to a referendum with this issue to gauge what the people of Western Australia think, rather than ram it through the Parliament. The Government keeps saying that it has a mandate for this legislation. Every time the Government wants to put legislation through, it says that it has a mandate. I am not quite sure that that is the case.

I refer to an article in the *South Western Times* on 9 August this year with the headline "Consensual sex at 16 is 'too young for all'". It states -

Peter was 21 when he first had homosexual sex.

It was just after he came out and told his family and friends he was gay.

"Sex for the first time with a man was as frightening as your first time with a woman," the Bunbury man said.

"But I knew it was right. I enjoyed it."

As part of the State Government's proposed homosexual rights legislation, homosexual men could legally have sex at 16.

But Peter says this is too young. He said at 16 he was still battling to establish his sexuality and believed 18 would be a more appropriate age of consent for homosexuals and heterosexuals.

That is one case of a fellow going through the problems of eventually recognising his homosexuality who has said that 16 is too young. It was interesting that the member for Innaloo indicated yesterday that his son, I think, was 16 and he felt -

Mr Quigley: My son is 18 and my daughter is 16. I think she is a bit young.

Mr BRADSHAW: That is what I am saying. The member was saying yesterday that he felt 16 is a bit young. I agree that for young women and young men 16 is probably too young, and I feel that the age of consent should be raised for both heterosexuals and homosexuals.

Mr Quigley: As families we have to educate.

Mr BRADSHAW: Yes. As I was saying, 16 certainly is too young, and that seems to be the consensus throughout Western Australia. People are still trying to find themselves at that age and they are mixed up. It is interesting that earlier this year and at other times some members opposite have talked about lowering the voting age to 16 years. People at that age have more to worry about, including trying to get their lives together, completing their education and those sorts of things. It is all right to suggest that the age of consent should be lowered and that these people should be allowed to make their own decisions; however, if the age of consent is kept higher, people will tend to keep on the straight and narrow until they are mature enough to deal with decisions that may have a dramatic effect on their lives. Having an experience at a young age may have a detrimental psychological effect on a person, and therefore, it is very important to try to protect these young people from having such an experience.

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One of the problems today is that many people have lived their lives by the age of 20. They have had their sex, they have had their drugs -

Mr Kucera: And rock and roll.

Mr BRADSHAW: Sex, drugs and rock and roll. The minister is right. I have written that down. I think it is sad that by the time many people reach the age of 20, they have lived their lives, and they say, "What's left for me? I have done everything." It is very sad.

Ms MacTiernan: Do you think sex, drugs and rock and roll is everything and there is nothing else?

Mr BRADSHAW: No, I do not, but some of these young ones do. Their whole lives rotate around those things, and in their minds, by the age of 20, they have lived their lives. They do not realise they should have been out playing sport and -

Mr Carpenter: What were you doing in the sixties?

Mr BRADSHAW: I was in England, actually, but I was not into sex, drugs and rock and roll. I was very fortunate to be in my mid-twenties in the sixties -

Ms MacTiernan: And you didn't just go to prayer meetings.

Mr BRADSHAW: No.

The SPEAKER: Order, members!

Mr McGowan: I heard you were a bit like Austin Powers back then.

Mr BRADSHAW: The problem with a lot of youth today is that they have lived their lives by the age of 20, and they wonder what is left for them in the next 50 or so years.

As I said, I have some problems with this legislation. I read an article entitled "Homosexual Parenting" by Roslyn and David Phillips, directors of the Festival of Light in Adelaide. This article first appeared in May 2001 in the *Light* magazine. It points out some very interesting things about the homosexual and lesbian community and the problems associated with it. Those people are adopting children and even have access to IVF treatment to have their own children - let us face it, as was pointed out yesterday, gay and lesbian people have children. Generally, that is the result of someone having a heterosexual marriage or affair and then going into a gay or lesbian relationship at a later stage. We will never stop that, nor will we stop people from having children. Even if the Government put legislation in place that would make it illegal for these people to have children, it would not stop them; and the Government would not put people in jail for having children. We need to restrict that from occurring. One of the factors in this argument is the stability of relationships in the homosexual and lesbian community. An article published by the Australian Family Association states -

Australian and overseas research shows that homosexual men are highly promiscuous and their relationships with other men are extremely unstable. For example, the *Sydney Gay Community Surveillance Report* noted in 1998 that around 30% of the men had more than 10 casual partners in the previous six months and fewer than half had a regular relationship lasting over six months.

The article goes on to say -

Long-term monogamous sexual partnerships are very rare for homosexual men.

Homosexuals have a higher turnover in their relationships than heterosexuals. This is not conducive to bringing up children. The article continues -

A 1994 study of homosexual men in Holland, where homosexual domestic partnerships are officially recognised, found that only 69% of such "long-term partners" actually lived together. The average number of "outside partners" per year of this type of arrangement was 2.5 in the first year, increasing to 11 in the sixth year.

The article goes on to say -

Lesbian relationships are also short-lived. Research by Johnson published in 1990 found that 50% of lesbian pairs break up within six years. In contrast, even though the divorce rate for married couples is increasing, it is approaching 50% over a lifetime (40 to 50 years), not six years. Cohabiting heterosexual couples break up faster than married ones, but not as fast as lesbians and male homosexuals. .

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It is important when bringing up children to have a stable family relationship. The statistics show that relationships in the homosexual and lesbian communities are not as stable as heterosexual relationships.

On the health side of the argument, the article states -

It is widely acknowledged that homosexual men suffer from a disproportionately high rate of sexually transmitted diseases.

. . .

Lesbians have problems similar to, but generally not as pronounced as, male homosexuals - according to the largest-ever study of Sydney lesbians. In the year 2000, 1432 lesbian women who visited a Sydney sexually transmitted infections (STI) clinic between 1991 and 1998 were interviewed. The lesbians were matched to a group of heterosexual controls. Both sets of women were tested for sexually transmitted infections such as chlamydia, gonorrhea, genital herpes and genital warts and asked questions about their sexual history.

The vast majority of the lesbians had, in the past, had sex with men. Only 7% of these women had been exclusively lesbian all their lives. The lesbians were much more likely than other women to have been a prostitute . . . and to have injected drugs . . .

That is another side to the problems associated with the gay community.

I will talk about longevity. The article states -

Homosexuals had a much shorter lifespan. The male homosexuals who died of AIDS had a median age at death of only 39 and those who died of non-AIDS causes lived only slightly longer - to a median age of 42 years. The lesbians were similar - they had a median age of death of 44 years.

Children who are brought up by people who have a short lifespan perhaps will not have the satisfaction of having a long relationship with the people who are bringing them up. The article also refers to the greater amount of violence in homosexual relationships compared with heterosexual relationships. We all know about the problems of violence in heterosexual relationships, but it seems that homosexual relationships have a much higher proportion of violent relationships and also a higher death rate.

The article refers to other problems associated with growing up in a homosexual home. Dr Sotirios Sarantakos, Associate Professor of Sociology at Charles Sturt University, Wagga, conducted a number of studies on heterosexual and homosexual couples. His 1996 paper is titled "Children in three contexts", and it explored the relationship between family environment and the behaviour of primary school children living in three family contexts: married, cohabiting, heterosexual and homosexual. The article reads -

The major finding of the study was that family type made a significant difference to the children's school achievements. Children in families with their married biological parents scored best of the three groups (on a scale from 1 to 9) in language ability (7.7), mathematics (7.9) and sport (8.9). Children of cohabiting couples generally did next best in these areas (6.8, 7.0 and 8.3), while children of homosexuals scored lowest (5.5, 5.5, 5.9).

Yesterday the member for Wanneroo quoted a young gay fellow and how he was either attacked or shunned at school and was called all sorts of things; he had a generally hard time at that school. I would imagine that a child whose parents were a gay or lesbian couple would suffer the same consequences. That would have a strong psychological effect on that young person. I realise that lesbians and gay people have the same in-built desire for sex as heterosexuals. We are no different from homosexuals or lesbians in that regard. We are born with the propensity for a sexual orientation; that is the way life is. However, it is not in the best interests of children to allow IVF treatment for people in gay or lesbian relationships or for gay couples to adopt children under the conditions that I have just spoken about. I do not support this legislation. It is a step in the wrong direction. We could have taken some things out of the Bill, and stopped discrimination against these people by way of other legislation. That may be done at another time and in another Bill. I do not support the legislation.

**DR WOOLLARD** (Alfred Cove) [9.28 am]: I strongly oppose the Acts Amendment (Lesbian and Gay Law Reform) Bill 2001. It is totally incorrect, inappropriate and wrong of this Government to introduce a Bill that allows 40, 50 and 60-year-old men to seduce 16-year-old schoolboys. As a mother of six children and -

Ms Quirk interjected.

**Dr WOOLLARD**: Did the member for Girrawheen ask me about girls? I do not believe that two wrongs make a right. As a mother of six children -

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Mr Whitely: Where is your activism on that issue? What are you doing about it? Are you turning a blind eye to it?

Dr WOOLLARD: That is why the Leader of the Opposition has stated that the age of consent for girls and boys should be 18. I would support that. I do not support the opportunity for 16-year-old schoolboys to be seduced by 50-year-old men.

Mr Whitely: Should an 18-year-old boy having sex with a 17-year-old girl be a criminal?

Mr Barnett: That is not the issue and you well understand that. The member for Alfred Cove has the floor.

Mr Whitely: I am not talking to you; I am talking to the member for Alfred Cove.

Mr Barnett: The member has the call.

Mr Whitely: She is an Independent; it is up to her whether she answers my interjection.

Mr Barnett: You've been here two weeks and done nothing.

The SPEAKER: Order, Leader of the Opposition.

Dr WOOLLARD: I am happy to take that interjection.

Mr Whitely: Thank you.

Dr WOOLLARD: I believe that if children who are below the age of 18 commit an offence, it is the responsibility of their parents and the police. From the information reported by Hon Nick Griffiths, the minister representing the Attorney General in the Legislative Council, between May 1996 and now, the Director of Public Prosecutions prosecuted 10 persons under section 322A of the Criminal Code. The average age of the people charged was 22 years.

Mr Whitely: Would you say that an 18-year-old man having sex with a 17-year-old girl is a criminal? That is the consequence.

Dr WOOLLARD: The behaviour of anyone under the age of 18 is the responsibility of the parents. I know that members of this Government in this House and in the other House do not support this Bill. I have spoken to them and I know that there are several members who believe that this legislation is wrong and that the age of consent should not be lowered to 16. It is very disappointing that, because of the party machine, they will be forced to vote for the Bill. I do not believe that members here who are mothers want 40, 50 or 60-year-old men to have the opportunity of seducing 16-year-old schoolboys. It is very disappointing that the Attorney General has introduced this Bill. When this Bill is passed, he should hang his head in shame.

**MR SWEETMAN** (Ningaloo) [9.32 am]: To some extent, this debate takes me back to the debate on abortion held in this place about four years ago. It seems that once we contemplate the decriminalisation and normalisation of anti-Christian standards or behaviour that is contrary to best principles and best morals, a theme emerges.

About one o'clock this morning after arriving home, I walked around for a while and then turned on the television. A program was on called *Talking Point*, which must be for insomniacs. The program was holding a phone-in for people with sexual problems. I listened to only two or three people who phoned in because they were battling through what they termed homosexual difficulties. They were wrestling with what they thought was a problem within themselves. What was the first item on the news when I woke up this morning? An abortion debate that is raging in Tasmania. That community is suffering the same heartache we suffered four years ago in this place.

As many members know from my maiden speech in this place, the abortion debate changed many things for me. I declared my position in relation to my Christianity. The church is an interesting institution. It is one of the few institutions or "armies" that prefers to shoot its wounded. As a result of the position I took during that abortion debate, I felt to some extent alienated. I was told in no subtle way by fellowships around the place that my view was probably not appropriate. Never mind; we cling to the values and principles by which we were raised.

I am not a lawyer, unlike the Attorney General. I hope that in his response to the second reading debate he will explain to me exactly what he means by the words in his second reading speech -

... a simple principle: that all individuals of the Western Australian community should enjoy equal rights under the law, regardless of their sexual orientation. The Labor Party stands for that simple proposition - equality under the law.

I thought we were all equal under the law. If we want to address this Bill under the definition of "all being equal under the law", we should take a fairly clinical view of what that means. What has the Government set out to

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achieve? It has set out to ensure that people with an alternative sexual inclination are not discriminated against. In trying to get inside the mind of the Attorney General -

Mr McNee: That would be difficult.

Mr SWEETMAN: It would be difficult and the dictionary did not help much either. According to the *Oxford Dictionary*, to discriminate is to show unfavourable treatment based on prejudice. It goes on to explain that that treatment could be based on religious, racial or sexual grounds. It is convenient for the Attorney General that that definition happened to include the word “sex”. To some extent the Attorney General has the support of the literal definition of the *Oxford Dictionary*. Discrimination involves prejudice based on someone’s sexual orientation.

I am reminded of the Law Reform (Decriminalization of Sodomy) Act 1989, which, to some extent, decriminalised homosexual acts between consenting adults. I am sure that when that legislation was passed, most gays punched the air and said that it was a great victory for humanity and human rights and that it gave them some equality in the community. I am sure that many people today who participated in that debate are still comfortable with that arrangement and are not necessarily the activists who are trying to create this next stage of “normalisation”. This is where we need to draw the line.

If I had been in this place in 1989, I probably would have opposed the decriminalisation of sodomy legislation because I would have seen it as the thin end of the wedge. It would be a bit like someone growing two marijuana plants on his property. It is the gateway through which the start of a pattern will take us - further away from good, decent, godly standards and community values. After all is said and done, this community is supposed to be built on and thrive on our links to a Christian ethos.

Mr Johnson: Or at least its principles.

Mr SWEETMAN: They are principles, irrespective of whether they are linked by people to a Christian ethos. Everything has a foundation and a reference point.

Mr Kucera: If that is the case, why does the Anglican Synod and the Uniting Church support this Bill?

Mr SWEETMAN: That may well be what is referred to in the Scriptures as “the abomination of desolation”, which refers to people from the church trying to rewrite the Scriptures and history and to rethink the mind of God. That is probably a clear indication of one of our biggest problems within the fellowship of the churches.

This Parliament starts each day acknowledging the Christian ethos that used to underpin much of our society. Much of our legislation uses godly principles as reference points. We tend not to talk about God too often these days, but when we look back at our laws and the way the judges interpreted them, we find they were based on historical interpretation and precedence. Today, we are being told that we do not need to look at those reference points; we can be a bit flamboyant; we can say that an Act implies certain things and a magistrate or judge can make a ruling on that basis. That in itself is an indication of how far we have slipped as a society. Although today there is a bit of tokenism, I believe that the broader masses think that ours is a community that abides by and has as its foundation a Christian ethos. I recall Mrs Laura Longley, the principal of Carnarvon Senior High School. We had two children at the high school in those days. She wanted to change the ethos in the high school. We talked about standards and values as they applied in the school. What she said to me was quite disturbing. She said that one of the best things that had happened in society in the past 25 years was the understanding, acceptance and realisation that we do not have to live by a Christian ethos. I simply asked what had taken its place. Whether or not we like it, we need to relate our lives, values and standards to something.

In saying that, I am not railing against people who have a homosexual preference. I do not understand everything that is involved with a person’s sexual orientation. There are those who say that it is a genetic problem and that someone is born homosexual. That may well be the case. From my reading and my observations over a long period, I know that some people wrestle with the fact that they are homosexual. They have stigmatised themselves to some extent because of their sexual preference. They are not in the community as agitators or activists; they are trying to work their way through life, quite often celibate, but living with the trauma that they know they are gay. The member for Eyre referred to a lady yesterday. I do not know of her circumstances. I do know of similar people who are of a similar sexual persuasion, but they do not promote it or flaunt it or in any way try to persuade other people that their conduct is acceptable and normal. It is a pity that people like that feel guilty and live with a lifelong trauma, not having come to grips with the problem that they see in themselves.

I know that it is not a type of behaviour that can be taught or caught, but I believe that homosexuality can be an acquired behaviour, but there is a whole range of people -

Mr Marlborough: You cannot argue with that logic; it is such a logical position, I am beyond arguing!

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Mr SWEETMAN: That may be so. I hope that the member for Peel will give us the benefit of his knowledge on this issue at some stage prior to the Attorney General summing up.

Mr Marlborough: You must have a room full of encyclopedias to come up with an argument based on that logic.

The SPEAKER: Order, member for Peel!

Mr SWEETMAN: I am running out of time, so I want quickly to link what I have said to some specific aspects in the Bill. A lot has been said in this place about the fact that the school curriculum may be amended to accommodate this legislation. Sex education in schools will automatically include education on same-sex relationships and safe sex in both homosexual and heterosexual relationships.

Mr Marlborough: That is not what has been said at all, and you know it.

Mr SWEETMAN: It has been said in this Parliament.

Mr Marlborough: That is not what has been said.

Mr Kucera: Will you take an interjection?

Mr SWEETMAN: I need to deal with the other interjection first.

Mr Kucera: Have you read the current curriculum?

The SPEAKER: Members, the member for Ningaloo is on his feet.

Mr SWEETMAN: In answer to the Minister for Health and the member for Peel, all I know is what is in the second reading speech of the Attorney General. He referred to sections 23 and 24 of the Law Reform (Decriminalization of Sodomy) Act. Section 23 is entitled "Proselytising Unlawful". The Attorney General quoted section 23 of the Act that states that it "shall be contrary to public policy to encourage or promote homosexual behaviour and the encouragement or promotion of homosexual behaviour shall not be capable of being a public purpose".

Section 24 gives some greater definition and refers to educational institutions. The Attorney General went on to say that the Ministers for Education and Health have agreed to establish a working party to deal with this issue and that the working party will comprise representatives of the health and education departments and the Western Australian Council of State School Organisations and will formulate guidelines for sex and health education that will be taught in schools.

Mr Marlborough: So you support what I said, and you were wrong in the first place.

Mr SWEETMAN: No. I am saying that clearly the curriculum is likely to be changed because of the setting up of this working party.

Mr Kucera: Are you suggesting that the current curriculum forces young heterosexual people into going out and having sex? Is that what you are suggesting?

Mr SWEETMAN: No, but it throws up a whole lot of confusing images. The Premier's ministerial statement made yesterday in this place provides us with some further evidence of my concerns on this issue. Yesterday was a special day because it allowed Western Australia, and this Parliament in particular, to recognise some 428 000 volunteers who participate in community activities on a regular basis. The Premier referred to the fact that adolescence can be a turbulent time. While section 23 and particularly section 24 of the Law Reform (Decriminalization of Sodomy) Act have been in force, we have had to be somewhat circumspect. There was some concern even in the way the Attorney General presented his second reading speech. Circumspection has been exercised with same-sex education being - "promoted" is the wrong word - treated as part of the curriculum in schools to date. We know that adolescence is a turbulent time because we have all gone through it. For some of us it was quite a long time ago.

Mr Johnson: Not that long ago.

Mr SWEETMAN: I was being kind to some of the older members. It may be difficult for some to remember that far back. Clearly adolescence is a turbulent time. It has been recorded that lots of people have engaged in homosexual acts, whether through curiosity, as a one-off experiment or for whatever reason. That is understood, but I believe the figures that have emerged from that situation have been used to ramp-up the percentage of people in our population who have homosexual preferences. Youth is a turbulent time. Young kids from 10 to 12 years of age, adolescents and young adults usually go through this. There have never been more distractions for and pressures on young people than there are today.

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The results of this legislation will be manifest in a lot of extra hurt in the community. At the end of the day, what will the legislation solve? A whole lot of people probably thought that the decriminalisation of sodomy would be the answer to their problems. Now a group of people will think that the normalisation of homosexual acts will be the answer to their problems. It may or may not be. I believe that it will not be. However, there will still be the same confusion and trauma for homosexual people. They will still battle with themselves and there will still be suicides. They will be wrestling with themselves not over how the legislation is drafted but over a whole range of other mental and physical problems.

Mr Barnett: You can sympathise with that, but suggesting that solving the problem by blaming or changing the rest of society is not the way forward.

Mr SWEETMAN: That is right. I want to get to the rest of society.

Mr Hyde: It is the discrimination that is causing the suicides, not the fact that somebody is gay.

Mr SWEETMAN: The member for Perth is making an assumption. I hope he will be objective enough in two, three or four years to acknowledge that the suicide rate has not declined. I hope he will not fudge the figures to determine whether we are better or worse off.

Several members interjected.

Mr SWEETMAN: I do not intend to give it that long. This legislation will ultimately deliver government to the Liberal Party again. When that happens, I will devote all my time to ensuring that it is repealed. Whatever small comfort this may give homosexuals, the greater percentage of the population feels very uncomfortable and disturbed that we are passing legislation -

Mr Johnson: I assume you mean that only certain parts of this legislation will be repealed.

Mr Hyde: He committed the party to repealing it in its entirety.

Mr SWEETMAN: We will look at that. The Family Court Amendment Bill has already inflicted extensive damage. I do not have a problem with heterosexual de facto couples accessing the Family Court for the settlement of disputes. However, I have serious concerns about same-sex couples enjoying the same rights. Coincidentally, so do many homosexuals.

Mr Barnett: Many do not want to go to the Family Court.

Mr Kucera: But they will have a choice.

Mr Hyde: Many heterosexuals do not either.

Mr Barnett: They do not want to be put in that position.

Mr SWEETMAN: I will now deal with more specific aspects of the Bill. I intended to deal with the age of consent issue last, because that is where it should rank. The age of consent should remain at 21. Members might say that that is discrimination against homosexuals because heterosexuals can legally participate in sex from the age of 16.

I asked the former Attorney General, Hon Peter Foss, how many people the police have charged under the legislation dealing with the age of consent for homosexual couples. The member for Vasse asked the Attorney General the same question and his response was that no charges have been laid in the past five years. I suspect that no charges have been laid since the Law Reform (Decriminalization of Sodomy) Act was proclaimed. It is a moot point. No-one over the age of 16 living in a homosexual relationship is being victimised.

Ms Radisich: It is hanging over their heads every time they go to bed with a partner.

Mr SWEETMAN: I am sure they have many other things on their minds. The reality is that no charges have been laid, and people in those relationships know that. This is tokenism to appease those people.

I refer to this as the Gore Vidal clause. Vidal, who lives in a homosexual relationship, finds particular satisfaction in predatory behaviour. He is attracted to seducing young men and boys. Under the current law, when that predatory behaviour is discovered, it is easy for the police to do something about it. I am sure that the practice will continue of not charging people over the age of 16 who choose to live in same-sex relationships. The Police Service seems to be under instructions from the Attorney General to focus its resources on other areas of law enforcement.

Mr Kucera: That shows your ignorance. The Police Service cannot be directed by the Attorney General. There is a third arm of government in this State under the doctrine of separation.

Mr SWEETMAN: The minister may well be right.

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Mr Kucera: I am.

Mr SWEETMAN: I made an assumption. The member for Vasse asked -

- (1) Did the Attorney General write to Mr A Milne on 26 April 2001 advising that '...it is an inefficient use of the State's resources to be investigating and prosecuting offences of consensual homosexual acts that are conducted between males over the age of 16 years'?

Mr McGinty replied that he had written to Mr Milne.

Mr Hyde: There has been no direction from Governments - your Government or this Government.

Mr SWEETMAN: Perhaps not, but that appears to be an instruction. It was more than a polite request.

I find the in-vitro fertilisation provisions of the Bill offensive. I do not have a problem with IVF services being provided to married couples who have a fertility problem. However, the provision of those services to single or lesbian women is an abuse of the system.

I refer members to the equal opportunity provisions of the Bill. We can say that we are against discrimination in the workplace and we must be more tolerant as a society. Over the past 20 years, we have become more tolerant about sexual orientation, colour and race, despite what the newspapers report.

As always, the argument has two sides. We should also look at this issue from an employer's point of view. Employers and employees should relate well and people should not be victimised for any reason. If an employer has a reason for not wanting a gay employee in a certain job - it might not be discrimination - and he chooses to relocate that employee or, if that is not possible, to sack that employee, the employer should not have to go to a commission or tribunal to defend that decision. It is just one more problem facing employers, in addition to unfair dismissal rules. I support some aspects of the unfair dismissal legal process, but ultimately an employer can still be held to account for dismissing a person even when everything has been done by the book. This provision will be used maliciously. The public service will probably have problems, because the Government is always seen as fair game. People know that they are more likely to win against the Government or a large private entity. The Equal Opportunity Commission will be out to score points once the legislation is proclaimed. It will be looking for opportunities to investigate whether discrimination has occurred.

I am vigorously opposed to same-sex couples being able to adopt children. I cannot accept that proposition; I cannot reconcile in my mind and heart that it is right. The Attorney General has been clever - I will not say devious - in the way he has drafted the legislation. It provides that same-sex couples cannot exercise their right to claim discrimination. If they are knocked back from adopting a child because of their sexual preference, probably one of the first moves that the Government will initiate will be to change the structure of the Adoption Applications Committee and perhaps even the appointment of the director general. One way to not have to worry about a review or to avoid claims that people have been discriminated against because of their sexual orientation is to put people of that orientation in those positions. I am not saying that the Government will stack the committee as it did the ministerial committee, which handed down the recommendations on legislative reform -

Mr Barnett: I do not think it stacked the task force, but it tried to present it as representative of the wider community, which was a mistake.

Mr SWEETMAN: That was a mistake.

Mr Hyde: The adoption board you appointed already allows single gay and lesbian people to adopt. Your board is doing a wonderful job.

Mr SWEETMAN: That occurs when one of the partners has previously been in a heterosexual relationship and has gone through the formalities of adopting a child. That is the point I am trying to make. We have not had a real test case yet in which lesbian, gay or transsexual couples have applied to the board as fit and proper people to be parents and who want to be assessed on that basis.

Mr Barnett: You should have to be a married couple to adopt.

Mr SWEETMAN: That is right. I fear and believe that test cases will be made fairly quickly by people who are motivated to ensure that the provisions in the Act are given some force and recognition in the community. A gay couple will apply to adopt a child soon after this legislation is passed. It remains to be seen whether they will be knocked back. That is what the Adoption Applications Committee must determine.

Mr Barnett: They will do it to test the system.

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Mr SWEETMAN: They will. We just hope that when someone does test the system, the Government will not already have been there -

Several members interjected.

The SPEAKER: The member for Ningaloo is on his feet, not the Leader of the Opposition or the member for Peel.

Mr SWEETMAN: We do not need a provision in the Bill to allow gay couples to appeal to the commission because they have been discriminated against on the basis of sexual preference. Those issues will be overcome by the appointment of people of that orientation to the Adoption Applications Committee and perhaps even the director general. Certainly the Government will place people in strategic positions. We have seen that happen over time anyway. It is not earth shattering or prophetic to suggest that that will happen; it is the most likely scenario based on the way the Bill has been crafted.

Mr Marlborough: I think the earth is flat. Can you give me some evidence to show it?

Mr SWEETMAN: It may be that it is. I have some empathy with and understanding for some of the people covered by this legislation. I was persecuted at school for my Christian views. When I was 11 or 12 years old, I used to love wearing a Christian badge for which I copped a lot of stick. It took me a long time to get used to the religious victimisation and persecution I suffered. Members opposite are saying that the same sorts of bigots who used to attack me for my beliefs oppose this legislation. I remember I spent a lot of lunchtimes on my own.

Mr Marlborough: I don't think things have changed so much.

Mr SWEETMAN: That may well be, but at no time when I had lunch on my own at school did I feel alone, I always felt as though I had good company, and I do not mean my own. I stood up for my views. Back then I learnt about people's behaviour, attitudes, prejudices and bigotry. I understand the views of gay people. Never mind that I do not agree with the legislation and nor do I accept that it is normal for gay people to adopt children. I find it immoral and repugnant that we are normalising homosexual behaviour today, or at least we are well on the path to it.

**MR MASTERS** (Vasse) [10.03 am]: In recent weeks in this House we have had two debates in which the sentiments expressed are relevant to the Bill before us today. Late last month the member for Warren-Blackwood moved a motion about the timber restructuring issue. That motion used the words "treat the south west timber communities with fairness and compassion". I believe those words have a place in this debate about lesbian and gay law reform. I doubt whether anyone in this Chamber does not believe that an individual, be that person a homosexual or heterosexual, all things being equal, should be treated with fairness and compassion. At the end of the day we are all human beings and it is only reasonable that we try to treat others in the same way that we hope they will treat us.

The second debate occurred recently also. It was a matter of public interest that criticised the Gallop Labor Government for pursuing certain divisive and extreme policies as part of its social agenda. The reason the issues expressed in that motion are very relevant today is that the Labor Party seems to forget the words of warning from Professor Geoffrey Blainey in the late 1980s. In response to the boat people, mainly from Vietnam, who sought asylum in the mid to late 1980s in Australia, Geoffrey Blainey did not say that he was opposed to migration in general, and nor was he opposed to people from non-English speaking and non-European backgrounds migrating to Australia. He said that a high migration rate would cause internal divisions, problems and other worries within the Australian community if the people of Australia could not mentally and in other ways accommodate that increase in migration of non-English speaking, non-European people.

Mr Graham: Recently he was interviewed on Radio National and he argued the exact opposite. He claimed great credit because we have integrated a diversity of people and allowed them into the country to develop.

Mr MASTERS: We all have selective memories, and my selective memory tells me that in the late 1980s Professor Geoffrey Blainey did not oppose migration or boat people; he said that it would have to be at a rate with which the Australian people were comfortable. I believe that the Labor Government of the day did the right thing. However, in the years following, other problems have arisen in relation to migration which, in my view, essentially created the Pauline Hanson and One Nation phenomenon. In other words, certain things happened in Australia at such a fast rate that the Australian people could not mentally accommodate those changes. I must accuse this Government because I believe it is progressing its social reform agenda so quickly, including amendments to lesbian and gay laws as they currently exist in Western Australia, that the people of Western Australia will be left far behind the Western Australian Government.

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The ALP will pay the electoral price at the next election in 2005. Some may ask why I, as a Liberal Party member, should be at all concerned about the cost to the Labor Party Government at the next election. I am concerned that damage will be done to the social fabric of Western Australia if the more extreme aspects of the Bill before us today are legislated for. I believe that the words of Geoffrey Blainey were relevant 12 years ago and the principle he espoused is still relevant today. We must make sure that the current social reform agenda of the Government will not cause community division. We must ensure also that another opposition group will not be created. The proposed changes will be as divisive and un-Australian as Pauline Hanson and One Nation have been in the past.

Everyone in this place is happy to use the words “fairness” and “compassion” when talking about the way in which lesbian and gays should live and operate in Australia. Why, then, is there so much heat in this debate? I believe the reason is that two areas of confusion are being supported, promulgated or accidentally pushed by the gay and lesbian lobby. The first area of confusion relates to the necessity to understand the emotional needs and wants of people in homosexual relationships. Many people seem to confuse the very fair, reasonable and valid emotional needs of homosexual people with the sexual and physical aspects of such relationships. I do not believe that too many people would argue against the need to pass legislation to remove any emotional constraints on the way in which homosexual people live in this State. For that reason, I am happy to put on record my support for virtually all of the antidiscrimination aspects of the Bill before us today. However, when most people in the Western Australian community think about homosexual relationships, they, rightly or wrongly, put to one side the emotional needs of the individual people in those relationships and instead think about only the physical and sexual aspects of those relationships. I was not here last night, but I understand the member for Kalgoorlie was extremely vociferous in expressing his concerns about the sodomy aspects of this legislation. That is no wonder. I believe that when most Western Australians think about this issue, they confuse the emotional needs and sexual aspects of homosexual relationships. I regret to say that that confusion is causing significant heat on both sides of this debate. Such heat should not exist.

The other area of confusion relates to the need for safe-sex education versus the need, in some people's eyes, for same-sex education in our schools. I have been to classrooms and told the students to tell me what they would like me to talk about. I tell them to ask me questions, and I answer them. Same-sex issues are almost always raised. I have no doubt that when students think of same-sex issues, they think also of the sexual and physical aspects of same-sex relationships. The aspirations of the lesbian and gay lobby groups would be severely damaged if this Government were somehow able to direct the educators in our school system to talk to students about both safe-sex and same-sex matters. I say that because sodomy is not natural. It is certainly a fact of life and it would be foolish to pretend that it does not happen. However, most people see that it is unnatural and therefore undesirable. Allowing 14 to 16-year-old schoolchildren to use their imagination - we do not have to use too many words - and contemplate the physical acts of sex that occur between homosexual people will be the greatest turn-off to persuading those young children that a homosexual relationship is something to which they should aspire or look for in later life. I would welcome the Government conducting more education about safe sex for both heterosexual and homosexual sex. Such education would explain to those young people the sorts of natural and unnatural sex acts that are performed. I am sure they will understand which ones are not natural. That education would turn off those young children. The member for Ningaloo got very hot under the collar when asking about the type of education that will be delivered in schools. I have no doubt that he was thinking about education about same-sex couples and issues. However, I think he would agree with the need to educate our children about issues relating to safe sex.

Those two areas are being blurred and confused for reasons about which I am not totally sure. Nonetheless, I am sure that deliberate confusion about the issues relating to the emotional versus sexual aspects of homosexual relationships and same-sex versus safe-sex education is being perpetrated on this House and the community of Western Australia. Why is there a deliberate or accidental goal of trying to confuse these issues in the minds of the people of Western Australia? I immediately say that, in my view, it is not because the gay and lesbian lobby is an apologist for paedophilia or predatory behaviour. I do not believe that has anything to do with the debate before us today. Rather - this is almost as serious a criticism - I think the gay and lesbian lobby has lost sight of what its real goals should be. Several homosexual members of Parliament have been elected to both Houses of the Western Australian Parliament. The number of acknowledged homosexual people in our Parliament is unprecedented in our history. The gay and lesbian lobby is advantaged by the fact that arguably the most powerful person in the new Government, the Attorney General, is keen to repay certain debts from which the Government benefited during the lead-up to the last election. The gay and lesbian lobby produced a report, and the Government is agreeing to almost 100 per cent of its ambit claims. I repeat the term “ambit claims”. I do not believe that report accurately reflects the real claims, aspirations, wants or needs of the broader gay and lesbian community in Western Australia.

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What should be the law reform goals of the gay and lesbian movement? First and foremost, I believe that the gay and lesbian lobby should be trying to gain community support for the emotional needs of people in homosexual relationships. I am sure that everyone in Western Australia would want a loving, stable and hopefully permanent relationship between two men or two women to succeed. The gay and lesbian lobby should be ensuring that the average Western Australian offers his or her support for the emotional needs of people in homosexual relationships. Secondly, I also believe that the gay and lesbian movement should be encouraging education about safe sex. If those two factors were the primary goals of this legislation, the Government would achieve support for 99.9 per cent of the real needs of gay and lesbian people in Western Australia.

Mr McRae: Is it not true that Australia has, if not the lowest, one of the lowest rates of HIV infection in the world?

Mr MASTERS: That is true, but we must ask why that is.

Mr McRae: It is the result of work by the gay and lesbian community in this State and nationally to push the message of safe-sex education.

Mr MASTERS: Paul Keating once said that no horse in a horserace will ever come second to "Self-Interest". When HIV-AIDS first raised its head some years ago, the gay and lesbian lobby realised that it had its future in its own hands, and it has done a very good job of that. However, we are now talking about spreading the message of safe sex more widely in our schools, and that will have to include the various messages about sodomy. I believe the gay and lesbian lobby will do itself enormous harm, because as soon as that aspect of safe-sex education is discussed, people will, fairly or unfairly, rightly or wrongly, change the issue of safe sex to one of same sex. The gay and lesbian lobby will therefore do itself a disservice.

Saying that the lobby should look for community support, first of all, for the emotional needs of happy, stable, loving homosexual relationships, and, secondly, for safe sex leads to my belief that the lobby should abandon its more extreme goals, which I believe can be effectively summarised into three areas: lowering the age of consent for male homosexual sex to 16 years, in-vitro fertilisation for lesbian couples, and the ability of people in homosexual relationships to adopt children.

[Leave granted for the member's time to be extended.]

Mr MASTERS: Why would the gay and lesbian lobby go for everything that it possibly can in this reforming legislation? Why would it want its extreme position to be supported? The answer is simple. It is because it has the opportunity to do so. Going back to 10 February, the other significant change that occurred in Western Australia was the green movement's success in getting a Government elected that effectively stopped logging of old-growth forests. It was a significant win and a major policy change - I will not say it was necessarily an improvement - brought about through the ballot box. All that electoral influence means that the green movement can keep pushing to achieve some of its more extreme and less desirable goals. In the past nine months, a section of the green movement has said that it wants fire in the natural environment banned and no logging in any native forests - in other words, total closure of the native forest timber industry. There have also been calls for closing down the mining activities that occur in our forests, in particular the activities of Alcoa, which is a significant employer and export earner.

Because the green movement has five members in the upper House of the State Parliament and because it has so much support from the State Government, it is now going for broke. The lesbian and gay lobby groups believe that they are in exactly the same position as the green movement, and they are going for broke. They are after absolutely everything they can get.

I wish to touch on another issue in this debate. I have spoken fairly widely with people. I have asked them what they believe should be my response, as their elected representative, to the legislation before us today. It is significant that when I talk to people under the age of about 25 years, they are for the most part generally not concerned about most aspects of this legislation. In particular, when I asked them whether they were concerned that the effective legal age of consent for male-to-male consensual sex would drop from 21 to 16 years, most of the young people to whom I spoke said, "Great. Let those people who want to experiment or live in those sorts of relationships and perform those sorts of sex acts be responsible for their own actions." However, when I talk to people who are older than about 25 or 30 years, overwhelmingly - I would say 95 per cent or more - they say that they are opposed to the key, and more extreme, aspects of this legislation.

I will tell members a story that I am sure they have all heard. At 18 years of age, a teenager says to his parents that he or she is amazed at how ignorant they are about life, because the 18-year-old wants to go out and do his or her own thing. However, by the time that teenager reaches 25 years, is married and starts a family, as the

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story goes, the former teenager then says, "Mum and dad, I'm amazed how quickly you've learnt everything you need to know about life."

The reality is that young people, by their very nature, will have alternative points of view. They are idealists, but they lack understanding of what is out in the real world. Older people are obviously the parents, the income earners and, for the most part, the legislators of this world. The older people have the benefit of a lifetime of experience, and they, understandably, are saying that this Parliament needs to send a message to the broader community, but in particular to the young people in our community, that we want the community to follow certain standards in our society.

I strongly object to three aspects of this legislation; namely, the lowering of the legal age of consent for homosexual males to 16 years, IVF for lesbian couples, and adoption of children by homosexual couples. I believe those three provisions are sending the wrong messages to the broader community. For that reason, I am happy to oppose this Bill. Having said that, however, I call upon the Government to split the Bill into two parts, as was suggested by the member for Kingsley yesterday. One part will contain the non-contentious issues that will gain strong support from virtually the entire Western Australian community, as well as, I understand, from the Opposition and, I presume, the people sitting behind me on the crossbenches. The more contentious issues should be in the second Bill. Then we could have a real ding-dong battle and argument in this place about the merits of those other more contentious issues. As well, let us send those contentious issues to a committee, so that we understand what are the implications for the entire Western Australian community of accepting those three controversial aspects of this Bill.

If there is no intention on the part of the Government to split the Bill into two parts, I am happy to support my colleagues in calling for the entire Bill to be sent to a committee. The Attorney General will obviously see that as a delaying tactic - and it is - but it is not intended to be a delaying tactic. Instead, it is intended to provide an opportunity for members of the broader Western Australian community to debate the legislation among themselves and to then bring their issues and beliefs, positive or negative, to us as parliamentarians, via the committee to which this Bill should be sent. It will not be sent to a committee; we appreciate that. However, because the Government is deliberately mixing the acceptable with the unacceptable, it should be no surprise to the Government if there is a strong community reaction against this legislation and a strong community rejection of the Government in three years at the next election.

I have another overriding concern with this legislation. Again, it gives me a reason for opposing the Bill. The Bill, in theory, seeks to decriminalise many aspects of same-sex relationships - I do not have a problem with that. It seeks to normalise same-sex relationships and, as I said earlier, get people to understand that someone in a homosexual relationship is, after all, a human being who deserves our compassion. However, I believe this legislation goes further. Not only does it seek to normalise sodomy and make it tolerable and acceptable, but also it seeks to encourage the broader community to accept gay and lesbian relationships as virtually desirable and maybe even inevitable. That is what concerns me. I believe that we need to look not at the exception but at the rule, which is compassion for people in homosexual relationships, but with the strong message that we do not accept the extreme, the unnatural and the antisocial. Earlier this week, I was listening to a researcher from La Trobe University on the radio who, in her little bit of research, had made the finding that one in five lesbians and one in 10 gays gained their safe-sex information from the Internet. The researcher said that because this was not particularly reliable information, due to the presence of predatory people on the Internet and the unknown quality of information available from web sites, same-sex and safe-sex education needed to be taken more seriously into the schools. Consider the figures - one in five lesbians and one in 10 gays. If gay and lesbian people, as I understand it, comprise only five per cent of the population, we are in danger of creating laws in pursuit of the La Trobe University researcher's goals for the benefit of one in 100 women, and one in 200 men. I am fearful that the tail is wagging the dog, not just in the case of that researcher and her call for more safe-sex and same-sex education, but in this whole Bill. It is far better to have a safe-sex education program that addresses the needs and wants of the 99 per cent of men, and the 99.5 per cent of women who were not the focus of this researcher's microscope. Much of what this Bill is trying to achieve is to make all the provisions of marriage apply to same-sex couples. That may be suitable in some cases, but if laws are created that are primarily designed to cater for a very small minority of the population, it is understandable that members on this side of the House will say that such laws are contrary to the needs, aspirations and wants of the broader community - the 90 to 95 per cent of people who support the family's role in our society.

The member for Ningaloo talked about the lack of police resources for prosecuting or hounding young people. I am aware of an article in the newspaper, written by Sam Cutt, which took an extreme position in trying to say that every gay male under the age of 21 is automatically assumed to be a criminal. The reality is that the police do not put any resources into enforcing that law, and to say that gay men under the age of 21 have criminality in their minds whenever they are engaged in their relationship is simply false. I will conclude my comments with a

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quote from Senator Brian Greig, who placed advice on lobbying politicians on the web site of Gay and Lesbian Equality (WA) Inc. It reads -

Be careful not to promote myths about discrimination. For example: discussing homosexuality in schools is not illegal and unfair dismissal from jobs does in fact cover sexuality.

**MRS MARTIN** (Kimberley) [10.30 am]: I support the legislation. The member for Innaloo stated his interests up front, so I will do the same. I am from a family that is not really what members in this House would call normal. It is extended to encompass possibly thousands of individuals. I do not come from the normal family perspective, even though I am married, and I have two children. I have other family relationships that are relevant to how I define myself within my family. My family is large, complex and diverse. It would not suit most people in this Chamber; they are from another system, and I understand that. My family is important; it is the one I live in.

A number of people in my family are homosexuals. When the veils of secrecy fell away, these people did not change, which was quite amazing. They were still my relatives, and people I grew up with, love, and respect. That veil of secrecy meant nothing to how my family accepted those people and made them feel loved, wanted and cared for. Nothing had changed; they were still a part of a very complex family system. It is really important to state that up front. In my previous work I saw families that had rejected family members when the veil of secrecy fell away. There are many books people can read on the subject, if they choose. I have one of them here, entitled *Homophobia: how we all pay the price*. It is a very interesting book; the words are a bit heavy, but a dictionary of sociology will help. This book simply states that homophobia has costs for society and for families.

The family is the oldest institution in our society and yet this House is defining what the family should and should not be. The family needs to be as diverse as our community and to reflect that community in everything we do. That is important. It is within families that we provide our children with the teaching that will make them productive members of society. Gay and lesbian people are productive members of society. They work and contribute at all levels; they are everywhere. They are still people who provide us with the joy of knowing them; as in any relationship, one gets back what one puts in.

I have a problem dealing with segregation on the grounds of sexual preference, which has nothing to do with me. I am a married woman. We provide a suitable environment for our children, and I am lucky to know what it is like to rear children so that they know right from wrong, and that when something is happening around them that they do not feel comfortable with, they can come and speak to me - I am their mother. I have taught them that if it does not feel safe or right, they can come and tell mum. I am here, and I will love and protect them. Maybe that attitude came from my background as a child protection worker. I am sure that my children will never be preyed upon, but that they are within a safe, secure environment known as the family. That is also important. I have one small concern. I was not going to raise it, but I have thought about it. I have a 14-year-old son. He is a beautiful boy. I brought him up in a family system; one that taught him to be caring and tolerant and to understand that society has diversity. He does not have to agree with it, but he needs to respect that people make their own choices. My 14-year-old son received a letter that told him that his mother was not protecting him from homosexuals and predators. Because he has been brought up in a family environment that provides him with the security he needs to express his views, he told me that he was not upset about the letter. He felt sorry for the person who wrote it because of the ignorance that drove him or her to do so. I told him he had lots of options and asked him what he wanted me to do about it. He threw the letter away. He said it did not warrant a response. I have done a good job in raising him as he is tolerant and understanding and he pities people who are not. I do not mind admitting that he was raised in a family that is not normal. He is a product of that. Whatever his choices as an adult are, he has had a good grounding because he is tolerant and understands diversity. It is important to state that.

Some members have talked about social engineering. The wall behind where I sit in Parliament has a number of cabinets. I noticed one volume dated 1905. It is not a very big book. It contains the statutes of Western Australia for that year. The Aborigines Act 1905 was one of the greatest shames of this State. It states that a person cannot have a relationship with an Aborigine. Section 42 states -

No marriage of a female aboriginal with any person other than an aboriginal shall be celebrated without the permission, in writing, of the Chief Protector.

I have seen photocopies of this Act but I have never been able to touch it until now. It is brilliant to see the truth. Lest we forget. Let people not look back in 100 years and say what a shame. Let us look at people and diversity and accept the differences in others. I do not want to lecture members. Let us not revisit our history. We will be judged in the future. We do not need to revisit this sort of thing. It is important we keep away from it. Let us

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hope that we can provide fairness and equity for everyone. I know the concerns about adoptions by gay and lesbian couples. I have heard it all. I was an adoption assessment officer in another life. It is *deja vu*. An adoption assessment involves very strict criteria. It is not a nice thing for applicants. It looks at whether people are worthy to apply to adopt. The child and the adopting parents are linked in the best interests of the child. As far as I can see, the process is almost flawless. Every case is assessed on merit. Who are we to judge? People making the decisions are trained and they make decisions through a process that is virtually foolproof. We all have the right to do what we think is important. If we have a different sort of family we have to be very careful. As I said, my family is abnormal, but what is the norm? Statistics tell us that 90 per cent of sexual abuse of children happens in the home by heterosexual males. We should never distort the lines. Paedophilia is one thing; child rape is another. It is not perpetrated by homosexuals; the majority of assaults are perpetrated by heterosexuals. Let us not distort the issues; let us get on with it and provide fairness and equity for people. We are a diverse society.

Some members made statements about the working class - in the pub and down the street, "Good onya, mate!". That may have been the case before, but it does not work now. There are working class gay people, lesbian people, Jewish people and Muslim people. They are all represented in the working class. Does it have to be broken down? We all contribute to the wealth of the State. It does not matter. One cannot pick out a group and say it is worthy of employment while others are not. If a person has the skills, he has the right to work. A person's sexual orientation does not matter unless that person works in the sex industry. I do not know what is the issue.

I have made a list of words. I will read them to the House: vilification, homophobia, intolerance, equality and equity. I will start with vilification. Any form of vilification is an act of violence - pure violence. It is like someone calling me a name. He has violated my right to be who I am and he is confronting the fact that my identity is what I make it. In my maiden speech I said that when I came to Parliament I brought the views of an Aboriginal woman, a grandmother and a mother. I declared my interest in my first speech. I have lived with vilification all my life and seen it every day. However, I have challenged it. It is called justice. When someone tries to violate a person, it is a person's right to protect and defend himself. I do not like violence; I see it as a last resort. When somebody swears at one or labels one, it is a violation.

I understand xenophobia as it is the fear of differences. It is okay to fear; it is natural. We all fear what we do not understand. I accept that. The onus is on us to find out more. Books on history are everywhere. Books on homophobia tell us the damage we are doing by vilifying gay and lesbian people. My next word is intolerance. I am pretty tolerant, although there are some things I do not tolerate. One is someone else driving. That is fine; it is a rational fear. It is not a phobia. I like to be in control. It is based on my fear of someone else having control. I accept and acknowledge that. I am tolerant of most things, because I was brought up in a society that says it is okay to be different. Now I am here, and we are saying it is not okay to be different. I beg to differ. We represent the State of Western Australia and its diversity. I understand that we need a balanced debate, but we should not use this place to vilify people by making statements that are hurtful, so that they leave here in pain. It is not fair, it is not right, and it is not decent. When we do the things that we do and say the things that we say in here, we have to use the integrity that brought us to this place. We all agreed on it. We should be a little more careful about what we say, because we cannot take it back.

[Leave granted for the member's time to be extended.]

Mrs MARTIN: What is it about equality? It is like the old tap story. If we have a tap we can have running water, but we could also have a flushing toilet and shower; that is equality. Equity is having a stake in something; it is being able to voice opinions to feel that we are a part of something that is important. Equity is only one part of it. I want equality, but equity has a bit of a zap to it. It is important that we provide people with the equity to participate in a society that needs to celebrate diversity and not to vilify it.

A very good friend of mine once told me that all people, all human beings, are of equal value. I believe that, regardless of race, creed, denomination and sexual preference, we are all of equal value. I believe that a child is as important to our society as one of our old people. However, we are a throwaway society and when people are of no use to us any more, we throw them away. I am concerned about that. It concerns me because, as I said before, I came here knowing that we need integrity, and we need to be honest and to offer a diversity of views. However, I honestly believe that we cannot say just anything and then walk away from it as a throwaway statement. When we affect people's lives and make them feel less worthy, it is not fair and it is not just. This place, of all places, needs to consider that.

As I said, I have my biases. I understand my biases. I do not judge other people based on only my life experiences nor do I have a go at people who have another set of experiences; that is not my place. I believe our

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place is to provide the different views in society. We can put opposing views, but, please, show respect for the humanity of people who are out there. My heart went out to people who were in the public gallery last night over some of the things that were said. It was filthy. I felt dirty knowing that those people went away hurt. I watched really quietly, and I thought about parliamentary privilege, but that does not strip us of our integrity. I am stating that because when I went home last night I stayed up for a while thinking whether we had damaged these people by being so-called open. Starting a statement by saying that we will tell the truth does not give us the right to vilify people. It does not!

We have to start looking at the way in which we treat all people when we legislate. We are trying to sort out a balance. Why discriminate against boys with the age of consent? I have heard the statements that the age of consent should be 18 for girls and boys. We would have a lot of kids in trouble.

Mr McGinty: A lot of kids would be in jail, you mean.

Mrs MARTIN: Exactly; that is human nature. We have to consider the human element of our society and the fact that we are different. What if we all drove black cars? We would be a bit boring!

Mr Kucera: We would all live in the western suburbs.

Mrs MARTIN: I would still live in Broome.

This friend who told me that we are all of equal value also said to always use justice as a tool. When we see something that is unjust, we need to take it on board, because that is what we are about. I have never let a throwaway statement that was meant as vilification pass me by. I only learnt those skills 20 years ago, so there were a few years when I let a few slip, but I have caught up and it will not happen any more. This goes for anything. People's differences do not matter.

The other point my friend made was to maintain our integrity at all times. I had better tell members who this bloke is; he is Tony Kelly, a community development practitioner from the University of Queensland, and a very close friend of mine. He said that we must maintain our integrity in everything we do. We all understand what integrity is. We get caught up in the heat of debate; I understand that. We are all human. Parliament is made up of human beings and we are meant to reflect our community. Yes, we are debating this issue, but we need to be grounded in the integrity of the people that we are. We are all people of integrity. We would not have got here if we were not.

Another friend of mine whose name was Rob Riley said to me that we do not stop fighting for justice simply because those around us do not like it; we just keep on fighting. That is what keeps me going every day, because we are talking about a point of justice. We are talking about the rights of a group of people who are different. However, their humanity does not disappear because they are different. I will keep on fighting. We all will, because it is important and it is about our integrity.

If this is really what it is all about, let us show that we truly value all members of our society as equals and believe that they are valuable, and acknowledge the diversity of our society. This legislation will assist us to do that.

**MR DAY** (Darling Range) [10.57 am]: I endorse many of the comments of the member for Kimberley, and I am sure most members of the Opposition would. The Bill that the House is considering is both wide ranging and far reaching in its effects. The Opposition regards some aspects of the Bill as contentious, but we are happy to support other aspects. In particular, we have no difficulty in supporting the antidiscrimination and the equal opportunity components. The world has moved on in recent years; and the Liberal Party has moved on in recent years. We had a debate about the equal opportunity aspects of this issue in 1996. It was a private member's Bill and at the time it was not supported by the then Government. To some extent it was disappointing that it was not supported by the then Government. A couple of us on the government side at that time expressed sympathies with the intent of the legislation to prohibit discrimination on the basis of sexual orientation. The Liberal Party now does not argue that the notion of prohibiting discrimination on the basis of sexual orientation should be enshrined in legislation.

I remember receiving a letter during 1996 about that debate from a couple from a rural part of Western Australia. They wrote -

We happen to be the Parents of two homosexual sons. We love all of our family, gay and 'straight', unconditionally. Being born gay is no different than being born left handed. Our family have all experienced being ostracised and discriminated against. No one would ever choose the homosexual path in life, it is too difficult, with much hurt and sadness for all concerned.

But for the Grace of God, you could be in the same situation as us.

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They would prefer to not be in that situation. As they said, they love their children equally, as they should. That sentiment is reflected in part in this Bill and the Opposition supports it.

It appears that some homosexuals are born that way; it is a genetic disposition. In other cases, that orientation, lifestyle or interest is acquired. I have no doubt, and I have been given examples, that some people take on a homosexual orientation a result of sexual abuse as a child. That is unfortunate and sad. We must accept that and express compassion for people in that situation. We must understand homosexuals in the same way that we understand everyone else in our community. Discrimination is unacceptable.

The Attorney General has foreshadowed an amendment to insert heterosexuality as a sexual orientation. That was a glaring omission from the Bill and it might indicate the Government's preoccupation with other aspects of the legislation rather than acceptance that heterosexuality is, and I have no doubt will continue to be, the predominant sexual orientation in our community - as it should be.

The Opposition is also happy to support other aspects of the legislation, in particular those relating to contact by the coroner following the death of a partner and the involvement of the next of kin. When people have been in a long-term relationship of whatever form, it is appropriate that they be regarded as the next of kin when a life-threatening situation occurs.

Other aspects of the legislation are much more extreme. It is fair to say that, to a large extent, this Bill seeks to establish homosexuality as equivalent to heterosexuality in all respects. It seeks to normalise the notion of homosexuality in our community in a way that the overwhelming majority regard as excessive and extreme. I refer in particular to the proposals to provide access to in-vitro fertilisation procedures and adoption by same-sex couples. Of course, the important issue is what is most likely to be in the best interests of the children. That should be paramount. The demands of adults who argue that they have a right to adopt children regardless of their situation should not be paramount. We will lose sight of our responsibilities as a Parliament and as a community if we put the rights of adults before the rights of children in this respect. I accept that some children are being brought up in same-sex families and that some, or even most, of them will develop well and live happy lives. I also accept that some children in heterosexual family situations do not develop as well and may be abused. That is far less than ideal and far from acceptable. However, I do not believe that that translates into adults having a right to adopt regardless of the circumstances. Most people in the community believe that, where a choice about parentage is possible, children have a right to a father and a mother and to be brought up in a family situation which, wherever possible, is happy. The essential issues are what is most likely to be best for the children and the predominance of the rights of a child as opposed to the rights of adults in these situations. I have no doubt that the rights of the children should be paramount. To some extent, the argument about the right to access IVF procedures and to adopt children has become a political cause in the gay and lesbian community rather than an argument based on what is most appropriate for children.

The Opposition, and I personally, oppose the proposal to lower the age of consent for homosexual activity from 21 to 16 years. The argument is put that 21 is unrealistically high and that perhaps 18 would be more realistic. Members on this side have serious concerns about the possibility of older men acting in a predatory way towards younger males who are not fully developed or mature but who may be over 16 years of age. They will be very vulnerable. Other speakers have given examples of situations in which that has occurred and have reported that older men have admitted it is occurring. That is totally unacceptable. It is vitally important that we protect the interests of younger men in our community who may not be fully developed, who may be vulnerable and who may not be able to resist those approaches from ill-intentioned older men.

What should happen to this Bill given that the Opposition supports it in part but regards other parts as much more extreme and has great difficulty supporting them? The Government should not proceed with this legislation. It should extract the non-contentious provisions and incorporate them in a new Bill. Members on this side would happily facilitate those provisions being enshrined in legislation in Western Australia. The other aspects, which are much more contentious and extreme, should be placed in separate legislation and debated after adequate community input. If the Government wants to proceed with those provisions now, it has the right to do so. It has the numbers to get them through this House and probably the Legislative Council as well. However, it should not proceed on the basis of mixing the acceptable provisions with the extreme provisions. The Government's approach to this legislation has been provocative. It is losing the opportunity to attract widespread support for many aspects of the legislation. If the Government seeks to go ahead with the Bill, at the very least, it should be referred to a committee for more consultation with the community and greater input from organisations and individuals who seek to express their views on this legislation. This is far-reaching legislation. It is at the extreme of social changes in this State. There is no reason for this legislation to be hurried through Parliament. The Opposition will not unduly delay it; however, it should not be hurried through -

Mr Barnett: I am curious about why the Government is hurrying it through.

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Mr DAY: I was just about to get to the reason that this Government is hurrying this legislation through before the end of the calendar year. The Government knows that this legislation is unpopular in the community and that the longer the debate goes on, the more support it will lose for not only this legislation, but also the Labor Party in government. The Government knows that it must ram this legislation through both Houses of Parliament before the end of this year, so that it can stem the haemorrhage from which it is suffering in its electoral support. It is clear that that is the only reason for this legislation being rushed through. This Bill will presumably complete its passage through the Legislative Assembly before the end of next week. The Opposition will not delay debate or delay the passage of the Bill. Whether it completes its passage through the Legislative Council is another issue. If there is to be adequate community consultation and input, the Government should not force legislation through before the end of the year. It knows it is unpopular legislation and if it is to act in good faith, it should ensure that when wide-ranging and far-reaching legislation such as this is presented to Parliament, opportunity exists for a greater degree of community input and consultation. Therefore, members should support a motion to refer the Bill to a standing committee for further consideration, which I expect the Leader of the Opposition to move. It is curious and somewhat anomalous that the Government is seeking to force this legislation through before the end of this year when many other legislative changes should be put in place to deal with the genuine concerns of the community.

I am glad that the Minister for Health is in the Chamber at the moment because perhaps he will inform the House, by way of interjection or speech later on, of progress on the implementation of legislative changes following the recommendations of the Select Committee on the Human Reproductive Technology Act 1991. The select committee reported to this Chamber in April 1999. Towards the end of 1999, a response was provided by the then Government, through me as Minister for Health, with regard to all except four of the recommendations of the select committee. Drafting then commenced, taking into account many of the recommendations. Complex areas and areas in uncharted waters were to be dealt with.

Mr Kucera: The complex areas referred to are holding up the drafting process. I expect that legislation to be introduced next year.

Mr DAY: Surrogacy, for example, is a complex and difficult area and a lot of consultation took place on this subject before the last election. Is that continuing?

Mr Kucera: That is the very area that has been holding up the drafting of the legislation.

Mr DAY: It is not necessary to introduce surrogacy legislation at the same time as legislation dealing with the other recommendations. That area could be introduced separately.

Mr Kucera: Those kinds of debates are ongoing. As a new minister in this field, I must take on board a lot of advice to get my head around the complexities of that issue.

Mr DAY: They are complex and difficult issues, but the Government should introduce a Bill that deals with all the non-surrogacy aspects of the report of the Select Committee on the Human Reproductive Technology Act 1991. We could progress those issues, and then deal with a separate Bill on surrogacy at a later stage, notwithstanding that it is an important issue that needs to be addressed in this State as soon as possible.

A Bill was drafted in the early part of 2000 with regard to pre-implantation genetic diagnosis, which was given cabinet approval. It was not given approval by the coalition party room at that time. That drafting is now complete and I suggest to the minister that the legislation should be introduced as soon as possible.

Mr Kucera: I recall last year that an extremely emotive debate was generated by the federal coalition over many of those same issues. It was probably wise, on your part, to not have introduced that legislation at that time because of that debate.

Mr DAY: The particular legislative changes that I refer to relate to a specific aspect of in-vitro fertilisation that would make it possible for pre-implantation genetic diagnostic testing to be undertaken when there is a history of a serious genetic disease within a family. That is different from the debate that occurred in the federal parliamentary arena with regard to access to IVF for same-sex couples.

Mr Kucera: I accept that. However, unfortunately, as with the drug debate, those kinds of issues get sucked into the vortex.

Mr DAY: I understand that, but I thought there would have been broad support from the Government's side for legislative change that has already been drafted. I encourage the minister to investigate that aspect a little further.

[Leave granted for the member's time to be extended.]

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Mr DAY: I raise that issue because I recall that there were, and still are, families in Western Australia who seek access to such diagnostic testing so that they can eliminate the prospect of a serious genetic disease being transmitted in the family. I am not pretending that it is a non-contentious issue; it is a contentious issue with parts of the community and some members of Parliament. However, we gave priority to getting that particular aspect of the legislation drafted because of the genuine concern for some families in the community - not large in number - and their concerns were valid and important. As the Minister for Health, I was keen to get those changes through to help those families. Unfortunately, the legislation did not get through the coalition party room at that time - around May 2000. However, there has been a change of government. I have little doubt that the government side would be supportive of such a change, as would many members of the Opposition. I encourage the minister to introduce that legislation as soon as possible.

Unfortunately, this extreme legislation, which has a clear social agenda, has been given priority by the Government. That is unfortunate. There is no need for this legislation to be rushed through with the haste that we are seeing at the moment. The Government should proceed with more caution than it has shown to date. The Opposition is supportive of the many aspects of the legislation. We want understanding to be shown to people in homosexual relationships in Western Australia, which is reflected in parts of the Bill. However, we have difficulty supporting parts of the Bill that are more extreme. They should be separated from the less contentious aspects so that we can debate them separately.

**MR KUCERA** (Yokine - Minister for Health) [11.19 am]: I have listened with some interest to this debate over the past two days. I did not intend to speak in this debate; however, a number of issues have arisen during the debate that I am beholden to talk about.

Before I became a member of Parliament, I spent 35 years working in and around what can often be described as “bad law”, as well as dealing with issues that are essentially “good law”. I was in a position to deal with people affected by the bad sodomy laws that were in place in this State until 1989. Those laws vilified, victimised, brutalised and pushed people into difficult situations. The laws were probably responsible for much of the guilt about which we have heard so much during this debate over the past two days. During the early 1990s, as the head of community policing in this State, the then Deputy Commissioner appointed me as the liaison officer between the Police Service in this State and the so-called gay and lesbian community. I spent some two years in that role. In that time, many of the prejudices and views I had of different people in this community changed dramatically. For the very first time my eyes were opened to the degree of victimisation and brutality that occurred. I became aware of the lack of fairness and equity that existed in this State at that time. In some ways, the legislation introduced in 1989 addressed some of those issues, but it did not address others.

I will refer to the age of consent and health issues, including sex education. During the two years I was the liaison officer for the Police Service, I found it was interesting to talk to many people in the gay and lesbian community. I will refer briefly to the issues about predatory behaviour and the so-called older predators who, it has been suggested, would prey on young people as a result of the changes to this legislation. Anybody who grew up in boys’ colleges, indeed anyone from our education system knows - some members must have a blinkered view of their development as children - that many of the issues that confront young gay people, particular young gay boys, are in place before they reach puberty. Certainly they confront them after they reach puberty. From my involvement with both homosexual and heterosexual predators, I know that one of the ploys they use is to prey on the fear of prosecution and the fear of uncovering the things people might want to do in the privacy of their own homes. The best way to set up young people is to provide legislation that allows older people to drive them into this area of secrecy. Many young men have difficulty coming to terms with their sexuality in the early stages of their lives; there is no doubt about that.

I compliment the member for Nedlands and, to a degree, the member for Cottesloe for taking the time to overcome some of their prejudices by talking to some of the young people who frequent the Freedom Centre in Stirling Street. I encourage all members of this House to talk with those young people, some of whom are as young as 12, who have come to terms with the fact that they are what they are and will be what they will be. They will tell members about the fear of victimisation and ostracism by their families. They will tell members that most predators will prey on the fact that young people are scared to go to the authorities and report the approaches that have been made to them. A 16-year-old homosexual boy’s preference is for another 16-year-old homosexual boy, not for somebody who is the age of the member for Moore or me. It is no different from a heterosexual 16-year-old boy who would prefer a 16 or 17-year-old partner. A 16-year-old boy would not suddenly chase the kinds of predators to which members opposite have referred. However, much of the current legislation has driven people into that association.

During the time I spent in the Police Service associated with programs including the vice and sexual assault squads, I learnt that 92 per cent of predators in this State are active in a familial situation. A child would usually

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be preyed upon by a member of the family. The greatest weapon the predators use is the fear of discovery. They make sure that the child is made to feel guilty about what they do. The greatest weapon we can hand to a predator is to have bad legislation that drives this issue underground. The greatest weapon against prejudice and ignorance is knowledge and education. People must know the issues that confront them. As members grew up, they all had to confront their sexuality. We were all put in positions in which these issues were raised and ignorance was often a problem.

I will refer briefly to education. This year, it is estimated that 36 million people worldwide will be HIV positive. The gay and lesbian community is an at-risk group. Some 20 million people have already died as a result of the virus and in 2000, 5 million new infections were diagnosed. We may say that we have been fortunate in Australia to have contained the AIDS epidemic, because we have. The reason for that containment is the depth of knowledge, the sensitivity to the issues and the sex education that has been provided in our schools and great institutions across the country. The development of knowledge will protect our children in the future. The AIDS epidemic has been contained in Australia. That has been done principally through early intervention programs; harm minimisation programs, including needle and syringe programs; access to treatment and care; and, most importantly, the clear, unequivocal education of the community. Sexual health education is not about putting up in lights what a person's sexual proclivity should be; it is about informing people about safe sex. It is not about teaching people how to be homosexuals. If we could do that, we would have the finest brains in this country. My own daughter is a teacher and has difficulty teaching her students mathematics. If we could use the same kinds of programs that members of the Opposition seem to think will work when we introduce this legislation, we would have the smartest kids in the world.

At the end of the day, no changes will be made to the school curriculum. Simple health education will be taught. I have said on a number of occasions by way of interjection in this House that people should read the health education curriculum generally, not only on this issue but also on the issue of drugs and substance abuse. I compliment the current Minister for Education and the previous Minister for Education because he was party to the development of this curriculum, as were his federal and state colleagues. It is one of best health education curriculums in the world, and that is recognised.

I will refer to the mandate. There has been much debate about a mandate. I recall sitting with the Attorney General in Forrest Place 16 or 18 months ago. About 1 000 people were there when the Attorney General clearly announced the mandate for change on which the Labor Party would go to the election. The crowd at Forrest Place roundly applauded this legislation on that day. The mandate to be taken to the election was clearly spelt out. There has been a mandate for change in this area for many years. Either Socrates or Plato said, "I am human; therefore, nothing that is human is alien to me." People should remember and think about that. Is it being suggested seriously that by providing good sexual and health education in schools, we will drive people into this so-called twilight world to which members refer?

Yesterday, the member for Murdoch talked about predatory behaviour and he made much of the issue of bisexuality. One of the things I learnt very quickly when I worked as a liaison officer is that a great majority of gay people in this State are married. They carry on heterosexual relationships. They have children and participate in all the other things relating to a so-called normal partnership because, for whatever reason, they have hidden their sexual proclivity and driven it underground. They must live with a range of issues. Very few of the people I met will ever come into contact with the police or the authorities because they have preyed on their own children. In fact, those people are very clear on their sexuality within their relationships, and their children are jealously guarded. However, they are driven underground and use places around the city that we used to call beats, such as toilets or hotels, because of the prejudice and bigotry that has existed in this community for countless years. That issue exists. Those people are vilified. It is that kind of fear of outing and discrimination that drives them underground. On many occasions I was asked to deal with cases of blackmail by people who had found out about these people's relationships. It was necessary for me to talk to people about this, and on a couple of occasions I prosecuted people who were preying on the same people this legislation sets out to protect.

If members talk to the people at the Freedom Centre, they will learn of the numbers of young people who have been driven into prostitution and drug use or thrown out of their homes because of the guilt that is attached to coming out and declaring sexual proclivity. It is an issue. This legislation will for once and for all put an end to the nonsense about whether this is normal. A human condition is involved. It is about time people realised that perversion is a human condition, not a homosexual condition. I have dealt with the worst depths of human depravity over the past 35 years. I have seen situations involving children that one could not describe or imagine; however, I have also seen some of the most compassionate, loving people deal with children in relationships that many people on the other side of the House would describe as abnormal. That attitude sickens

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me. Some of the things I heard last night greatly saddened me. I am saddened that these levels of bigotry, ignorance and prejudice still exist in this great country of ours.

There are many sexual practices that I do not condone. There are many things that I will not do or consider doing. However, at the end of the day, what people do in the privacy of their bedrooms is their business. That is a fundamental right within this and every other community in the world.

The argument that this is cutting-edge legislation surprises me greatly. In 1991 I spent six months working in legislative areas in other countries. In most western countries this legislation is old hat. It is not cutting edge. Most other countries in the world have become enlightened communities that clearly realise that one does not "tolerate" different people. "Tolerance" is one of the most annoying words in our community today. This is about inclusion.

I heard the member for Hillarys on the radio this morning liken this Government's legislation to Hitler's regime. I remind the member for Hillarys that Hitler burnt the gays. Hitler gassed the Jews and burnt the gipsies. Hitler burnt people in my father's family because they decided to be different and stand up to the filthy Nazi regime that took over half the world. I remind the member for Hillarys that my father, and probably also his father, fought against those people who did those vile things. It is an abomination to even suggest that this kind of legislation and what has gone on in this House this week is akin to Hitler's regime.

AIDS is a real threat in this community. It is wrong that young people, who are most sexually active during puberty, cannot seek advice with impunity. It is wrong that they cannot go before the health people of this State and say they have a sexual preference for this or that because they are fearful of going to jail.

Mr Day: That is not true. That does not happen.

Ms Guise: It does happen.

Mr KUCERA: The member for Darling Range and other opposition members are driving those people into clutches of the very people about whom they talk. Further, they are opening them up to the spectre that is AIDS. Surely members would rather their children learn about these things through proper, sensible education. What about the role of the parent? The parents have choices. I raised two wonderful children, of whom I am very proud. I discussed these issues with them openly because I had to confront these issues every day, and I was frightened about the depth of depravity I saw and the number of rock spiders I met. However, they are not the people who will be affected by this legislation. They are not the people who have love and compassion for their fellow beings or who practice the kinds of things that Socrates and Plato talked about - that is, being human. Those people are rock spiders. They are perverts. They are not homosexuals. As I said, perversion is a human condition; it is not a homosexual condition. It is about time we were sensible and pragmatic about the laws of this land and the future of our children. It is about time we were sensible of the fact that the world has moved on; a world that in 1980 did not have the horrible spectre of AIDS or some of the other diseases that are now starting to emerge. What are we to do? If this legislation is not passed and we do not move forward, we will leave yet another generation open to the prejudice and danger that exists in this country today.

I applaud the Bill and support it totally. People have choices. We must give 16-year-olds in this State the choice to be safe and to discuss these issues with impunity. They need to be able to move on.

The member for Dawesville touched briefly on adoption. I am godfather to two wonderful adopted kids. I was the referee for the parents who went through the process. Those people went through the agony of things such as the in-vitro fertilisation program. In the end they had to admit that they could not have their own children. The adoption process was one of the most thorough and rigorous processes I have seen.

[Leave granted for the member's time to be extended.]

Mr KUCERA: As the Minister for Community Development, Women's Interests, Seniors and Youth said yesterday, the adoption process is one of the most rigorous, pragmatic and practical programs people will go through. The adoptive parents must go through a rigorous examination of their personal life and family background, as must their friends and referees. It is not a pleasant experience. The parents are also faced with the likely possibility that they will not have their own children. The people I know who went through that process have been dear friends of mine for many years. I look on their children as my children; as part of my family. Those people went through a rigorous examination, and it was fundamentally clear that the rights and interests of the children were always paramount. This legislation will change nothing in that regard. That same rigorous examination and paramount concern for the child will remain. I am proud to say that it will remain. I am also proud to say that we have a minister who will fiercely defend that process. This legislation will not

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expose people. There is a huge amount of ignorance about that process. People simply do not know about it. They imagine that things will happen.

I urge people to overcome that level of ignorance within our community. I was annoyed yesterday when I heard some members say that some of their best friends are gay people or perhaps Aborigines. This morning I listened to the member for Ningaloo talk about prejudice. I recall two years ago that the member for Ningaloo put forward a 10-point manifesto that would have taken the Aboriginal people in this State back to the pre-1967 laws. It would have taken them back to 1905.

There is far more to putting law together than emotion. Law must be pragmatic and achievable. I lived and worked under the shadow of bad laws that needed to be changed for 35 years. The current laws victimise and brutalise our young people and put them into jail.

Mr Day interjected.

Mr KUCERA: The member for Darling Range may have a 17-year-old or 18-year-old son who is charged with an offence under the current legislation. Imagine what happens when that 18-year-old goes into jail.

Mr Barnett: That has not happened.

Mr KUCERA: Does the Leader of the Opposition know why it has not happened? It is because the police officers in this State are, by and large, compassionate, sensible, pragmatic people who will not use a bad law. A person who goes into jail is openly blighted under the present law. Imagine the fate that awaits that person when he goes to jail, and the real rock spiders are in there waiting for him.

The member for Alfred Cove gave some figures this morning. I think she mentioned that 10 people were charged. I notice that there was a question on notice from the member for Vasse on that matter. What the member for Alfred Cove did not mention was what percentage of those 10 people were family members, and what percentage had no knowledge of or association with the children who were involved. Based on the general statistics that I saw when I worked in this area, my suggestion is that probably nine out of 10 of those people would have been familial representatives, or people who knew the children. People are not protected by legislation; they are protected by building up knowledge within family units, and knowledge and compassion within the systems that we operate.

I listened to the member for Carine yesterday when she talked about walking a mile in their shoes. I commend her on making an effort to do that and on the principles that she expressed yesterday in this House. Since I have been in this House, this has been the first debate in which members have openly and honestly expressed their principles. Unfortunately, a number of members have also openly and honestly expressed their prejudices. That, to me, is somewhat sad.

When I listened to the member for Hillarys yesterday, he reminded me of the saying by Henry Brooks Adams -

Politics, as a practice, whatever its professions, has always been the systematic organisation of hatreds.

That has certainly come true in the past few weeks. I suppose one could say that the Hitler about whom the member for Hillarys spoke organised hatreds exceptionally well. Never before in the history of this world had we seen such an organised system of hatred; yet it continues, whether it be religious persecution, religious prejudice or prejudice within the community generally. Hitler organised those hatreds very well. What did he do? He burnt the gays.

We continue to criminalise, brutalise, victimise and stigmatise a very large proportion of our community - a large proportion of fine upstanding people. I hope I have managed to win the respect and trust of people in the gay community. I will give the House a wonderful example of two people who came to see me. One was a dentist and the other was his companion of some 15 years. They had invited some people to their house one evening. Both those gentlemen were gay, and they had the impression that the two people who had been invited to their home were of a similar proclivity. Those two gentlemen were bashed and robbed, and their house was cleaned out. Three days later they received letters in which they were threatened with blackmail. The two people who had been invited to their home had discovered those two gentlemen were gay, and they threatened to blackmail them by exposing their homosexuality to their business partners and families.

I was thankful when those two gentlemen came to see me. I wanted to charge those two people who had done this to them - two professional people. These two gentlemen did not want me to do that, because the fear, the guilt and everything else that surrounded them still existed. I had great fun going to the football club where the two offenders were training on a Thursday night and having a quiet word in their ear. I said to them that it was interesting that they went to the home of a couple of people that they wanted to bash and do bad things to. I told them that I would have great joy in putting them in the same position and letting their fellow footballers know

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where they were on Saturday night. I said that it would be very nice for all the property to be returned and for all the money they took out of their wallets to come back - no charges, nothing. I think they even put in an extra \$10 to buy a carton of beer!

It is that kind of prejudice which underlies the thinking in the community and which I came into Parliament to deal with. That kind of prejudice makes bad law. This is good, sensible law. It is moving on and recognising that the world has changed and that there is no place for exclusivity in this community. As a society, we are judged by the people that we think we can afford to exclude. I believe Western Australia is an enlightened community. In the past 35 years, as I said, I have had to deal with every issue that touches humanity. I am proud to say that we will support and eventually pass this legislation that will allow our children to be protected and to get rid of ignorance within the community, and give our children the right to stand up and be what they want to be. Everybody deserves the freedom of choice in this community. We can no longer tolerate ignorance and prejudice. We must include people. I commend the Bill.

Members should look at the crest of the House. Yesterday, the member for Nedlands quoted the law, which she is very fond of doing. I ask the member for Moore what *honi soit qui mal y pense* means.

Mr McNee: What are you asking me for?

Mr KUCERA: How many years has the member sat in this place under that crest?

Mr McNee: What sort of rubbish are you trying to drive home now?

Mr KUCERA: *Honi soit qui mal y pense* - evil be to him who evil thinks.

Mr McNee: It only happens when good people do nothing.

Mr KUCERA: Evil be to him who evil thinks. I love waking up the member for Moore. Mr Speaker, did you ever read that wonderful book by John Wyndham, *The Kraken Awakes*? We have a kraken in the House. We have moved on in this world since 1592.

Mr Logan: Some of us have.

Mr KUCERA: Yes. In fact, some of us were here then. We have moved on since 1592 when the Bard penned those wonderful words about young people. He said back then -

I would there were no age between sixteen and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting . . .

Nothing changes, Mr Speaker.

Mr McNee interjected.

Mr KUCERA: Member for Moore, I believe in equality and fairness. I also believe in reading those great things that people have written over the years. I will conclude with another such great statement. The Universal Declaration of Human Rights of 1948, to which all in this House should aspire, states -

All human beings are born free and equal in dignity and rights.

I commend the Bill to the House.

**MR BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [11.50 am]: I too am reminded of a French phrase - *plus ça change, plus c'est la même chose*, which means the more things change, the more they remain the same. I say that, because it sums up one of the most awkward, unfortunate and disappointing aspects of the way the Government has handled this very sensitive and important issue of discrimination. This matter has been brought before this Parliament in a way that has encouraged and fostered a sense of division and hostility that is genuinely quite rare in this Chamber, and in this Parliament. From time to time, tempers flare. The various parties have different philosophical approaches, and personality power plays occur, particularly in the Labor Party. This legislation has driven a wedge, between not only the parties in this Chamber, but also members of the community. Prior to the introduction of this legislation, there was no controversy over discrimination against gay people in this State.

Mr McGinty: Rubbish!

Mr BARRON-SULLIVAN: I challenge members opposite to look at their diaries and electoral notes in their offices, and honestly say how many people in the wider community - not the gay lobby groups - have approached them and said there is a major issue here.

Mr Carpenter: So gay people do not count?

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Mr BARRON-SULLIVAN: I said the gay lobby groups. The minister knows exactly what I am talking about. The Government is reacting to some minority pressure in the community. It is addressing a number of fundamental and very important concerns about discrimination, but it is going too far. The community feeling is exactly along those lines. This is the disappointing thing, because, had the Government approached this in a different way, this Chamber would have given 100 per cent support to the measures to prevent discrimination within the community. It is almost as if the legislation has some limpet mines attached to it to cause as much aggravation, destruction and frustration as possible. It is interesting that people like the Minister for Health and others talk about the need for sympathy towards all people in the community, when the way this Bill has been brought forward fosters division.

I will go back a little further, and look at the question of whether the Government has a mandate for what it is attempting to achieve with this legislation. We are in this Chamber with one responsibility above all others - to represent the people who elected us in the first place. That means members should go out into their communities, canvass opinion, find out the local concerns and come back into the Chamber and represent those people - 100 per cent of them. Members must respond to community concerns with policy, and by dealing with day-to-day issues. As an election approaches, the political parties come together and decide what their responses will be, and what they will present to people for the following term in Government. The major parties present policies that demonstrate what they stand for as the potential Government for the following term. If that is the case, it is expected that with important legislation like this, the Labor Party would have gone to the last election with a very firm policy, which it had enunciated quite clearly to the community, to achieve the objectives set out in this legislation. It would not necessarily spell out every technical detail, and dot every i and cross every t, but such a policy would be expected to present the more important, fundamental and overarching principles in a clear way. Was that done, in this case?

Mr Carpenter: Yes it was. I participated in a half-hour debate on ABC radio that covered all the broad issues, along with a lot of others, with the former member for Joondalup. He lost his seat. I won my seat.

Mr BARRON-SULLIVAN: Come in spinner! The reason that interview took place was not that a government minister said he wished to go on the radio and inform people about a policy, but because the then member for Joondalup had pulled out an Australian Labor Party policy platform and gone to the media about it. I will cover that platform in a lot of detail.

Several members interjected.

Mr BARRON-SULLIVAN: I will return to the platform in a short time, because I will be interested in some interjections at that stage. I wish first to look at the policy documents put out before the election, and the media releases made by the Labor Party or the Premier. Did the Premier make mention of this legislation - possibly the most significant social initiative in this term of Government - in his campaign speech? Let us find out. In the other House, Hon Peter Foss asked a few questions of the Leader of the House, representing the Premier. He referred to some comments the Premier had made on the radio on 4 December that gay and lesbian legislation was Australian Labor Party policy. Hon Peter Foss asked if the Premier had mentioned any part of this policy in his campaign speech. In the campaign speech, the leader says what the party stands for, and gives the policies his party will take into government if it is successful at the election. The leader says what the party considers to be important, and details the legislation it will pass in its first year, because it is so important to the State. The answer to the question of Hon Peter Foss was that the Premier had not mentioned this particular aspect of party policy in his campaign speech. Hon Peter Foss then asked if the Premier or any other person on his behalf, issued any policy document during the campaign, that mentioned any part of this policy. This is where it starts to get interesting, because the answer was that there was a policy. I will quote from the answer of the Leader of the House -

Part of the policy was contained in the "Better Opportunities for Women" election policy, which was launched on the Labor election campaign web site [www.votelabor.org](http://www.votelabor.org) on 8 February 2001.

That was two days before the election. The first time the Labor Party has the guts to say it will do anything about what it terms now as gay law reform, is two days before the election. That policy is a skinny little 11-page document, and buried on page 11 is the statement, which reads -

Labor will:

Legislate to recognise the property rights of de facto spouses in opposite or same sex couples without discrimination.

That is the only reference in any Labor Party policy to any component of this legislation! How the Government can claim a mandate for anything else in this legislation is utterly beyond me. The party did not tell the people

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about this policy; instead it hid its intentions. It did not inform the community, or engage in consultation or healthy political debate in the lead-up to the election. The very last little section, on the last page of this policy - which came out two days before the election, and was probably read by Labor Party people and few others - reads -

Labor does not support access to reproductive technology being restricted on the grounds of marital status or sexual orientation.

It does not then go on to say that the Labor Party will do the things that are contained in the legislation now before the House. It refers only to in-vitro fertilisation laws breaching the commonwealth Sex Discrimination Act. It then states that Labor will -

... review Western Australia's IVF laws.

Reading that, one would expect that the Government would engage in an extensive process of consultation with the community before reaching the conclusions contained in this legislation.

The Labor Party did not tell people in the community what its policy on discrimination against same-sex couples was. How was the matter raised in the media? I could find only one article. It was in the 28 January edition of the *Sunday Times* and referred to a number of gay candidates running in the election. One candidate, Hon Louise Pratt, was mentioned -

... Labor will work towards relationship recognition for gay couples and equal access to IVF technology for single women and lesbians.

She used the words "work towards". She did not say that the Labor Party had a policy that would do such and such. There is nothing definite. As the member for Kingsley said, nothing was said about adoptions.

Ms MacTiernan: Where was your policy?

Mr BARRON-SULLIVAN: People know where we stand on this issue. I challenge the minister to answer. During her election campaign, when did the minister tell people in her electorate that she would vote to allow a homosexual couple to adopt a young boy? She did not. None of the Labor members in this House had the guts to tell the electorate what would happen if Labor won government. They were hiding it. They did not tell people about it. Who was left to fly the flag? Chris Baker in Joondalup. He thought his community would not appreciate this sort of policy. He obtained a copy of the ALP state policy platform. This is something on which I would welcome an interjection from the Minister for Education. The policy platform was endorsed in May 1999 and it contained a number of points about the Labor Party's policy on this issue. I will not quote the entire platform. Suffice to say, in answer to the question by Hon Peter Foss I referred to earlier, the Leader of the House representing the Premier justified the Government's mandate by saying -

While the policy outlined in the legislation currently before Parliament was not mentioned in the campaign speech, it was clearly set out in the Labor Party Platform endorsed in May 1999 almost two years before the election.

We all have a copy of that on our coffee tables. When the television is a bit dull we read it. We all know it backwards! I suggest most people would not have a clue what is in it. Let us say this is the justification the Government is giving for bringing this legislation to the House. No other justification is given in the answer to the question. This is the only mandate the Labor Party has to bring this before the House. I have a simple question for the Minister for Education. Does that mean that he intends to introduce and implement every measure in the ALP platform? Yes or no?

Mr Carpenter: I will introduce the policies that the party went to the election on.

Mr BARRON-SULLIVAN: Does that include the ALP's platform? Answer the question. If the answer is yes, we will hold the minister to account for every other policy in the platform. If the answer is no, the minister is at odds with his leader in the upper House and the Premier, and is admitting that no-one on his side of the House has a mandate to introduce this legislation. Let us be honest with people. Interject yes or no. I want a yes or a no. It is impossible to get a yes or a no from the Government. It is time people on the other side of the House had the honesty to look me in the eye and answer with a yes or a no. This exercise is futile, is it not?

Mr Carpenter: The member has neither the wit nor the ability to make me account for anything.

Mr BARRON-SULLIVAN: It is impossible for the minister to look me in the eye and answer yes or no. Will the minister implement every measure in the ALP's platform endorsed in May 1999? This will be known as the yes and no debate.

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When did the member for Riverton advertise in his election campaign that he would allow homosexual couples to adopt small boys?

Several members interjected.

The DEPUTY SPEAKER: Order, members! I remind members that it is unparliamentary to enter into a slanging match across the House. I prefer that only one member speaks at a time. It should be the member with the call. If the member wishes to ask questions he should allow time for an answer. Otherwise, I suggest he gets on with his speech.

Mr BARRON-SULLIVAN: I concur with those comments. I thought I had left enough time for either a yes or a no. I take the point. I should allow more time. The Labor Party does not have a mandate for the more radical changes contained in this legislation. If it does not have a mandate, the next obvious step is to go to the people in some way and say that it wants to go down this path. The Government should say that, in a number of respects, it has decided it wants to end discrimination against same-sex couples. The Government should consult the community widely instead of having a committee that, arguably, will be stacked from the word go. It could engage the community in a number of ways. If it did so, the Government would find there is overwhelming support in the community for an end to genuine discrimination against same-sex couples. No-one in their right mind would say that a person should be discriminated against on the basis of his sexual preference for employment or health care or when his children go to school. Just as people would ask that children not be discriminated against when they go to school, similarly they would say do not discriminate the other way. Do not sack someone from a university because he puts forward his religious point of view. Do not promote something in schools - explain but do not promote. The community as a whole has a very reasonable attitude toward these matters. When the Government says, "Let us drop the age of consent to 16 years and, by the way, the fine print means that one might get away with it if a child looks only 13 years old"; when it allows a homosexual couple to adopt a young boy; and when it changes the rules to allow homosexuality to be promoted in schools, it will incur the wrath of the community.

[Leave granted for the member's time to be extended.]

Why is that? Is it because 99 per cent of Western Australians are bigoted? Absolutely not. It is because they can see that the legislation and the Government's approach have some fundamental problems. I will touch on one to demonstrate the point.

Mr Carpenter: What is the member afraid of?

Mr BARRON-SULLIVAN: I will tell the minister what I am afraid of. Let us consider the issue of IVF. What about a lesbian couple who engage in IVF procedures in order to have a child? Let us think of the child's situation as he grows up. By the time that child is six years old he will realise that other families have a mother and a father and that he has two mothers. He will ask why other families have a mother and father. I have a four-year-old son and he asks me some tough questions. Difficulties will occur when the child enrolls in the local soccer or basketball club. Members know that birth certificates have to be produced. Guess what will be on the birth certificate? The names of the two mothers. These situations will arise. People will say that, as the community warms to the situation, these practical difficulties will be overcome. Later in life such a child will apply for a passport. He will have to produce his birth certificate. The same applies for a drivers licence. The crunch will come when the child turns 18 and asks who is his father. The Minister for Education laughs. As we speak, court cases are beginning in the United States from IVF-produced children who are challenging the law to find out who are their parents. This legislation does not give a child conceived to a lesbian couple through IVF the right to find out who is his father.

Mr Logan interjected.

Mr BARRON-SULLIVAN: The member for Cockburn misses the point. A birth certificate has a mum and a dad's name on it. The birth certificate of a child produced by IVF will have the word "parent" in place of "father". The situation that I am describing at the moment will not arise. The question that will be impressed on these children is: who is my dad? They will be asking that by the time they are six years old, and by the time they are 10 and all their school friends have realised they have two mums and they are different, those kids will be screaming to know who their father is. This legislation does not give those children the right to find that out. The Government talks about the rights of same-sex couples. What about the rights of children? These are the practical difficulties.

The Minister for Education asked me what I am afraid of. I am being honest: these are the things that I am frightened of. I am not a lawyer; I do not know what will be concocted over the years to come. That is why these matters should have gone to a committee of this House. Questions such as those should be answered, not

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by interjection across the Chamber, but from sensible consultation with people in the legal fraternity and people who are involved in this area; from examination of what is happening in America, where the court cases are beginning as we speak; and by genuinely thinking about the rights of the children. The Minister for Community Development said in this place the other day that children are okay with homosexual couples. That was a comment off the top of her head. She referred to children growing up in a loving and caring environment. No-one disputes that. People will not have children through IVF, adoption or whatever unless they will be loving and caring parents. How do we know what the impact will be on the children? We have had this argument in this Chamber and in the broader community. This is the sort of thing that could have been considered in more detail.

The Minister for Health, who is no longer in the Chamber, talked about the need for sympathy for same-sex couples. I was reminded of a committee, of which I was a member, that inquired into the heroin situation in this State. The experience did change my point of view in a number of respects, because I was able to examine the issues objectively. The Minister for Health was one of the witnesses who gave evidence to that committee and he referred to heroin users as losers. It is hardly a sympathetic approach from the current Minister for Health to refer to heroin users as losers, and now to talk about sympathy. If he were really interested in this debate and wanted to be here -

Ms Quirk: He has been here for the past two days.

Mr BARRON-SULLIVAN: He is not here now. At times the minister with responsibility for this Bill has not been in the Chamber, and at times there has not been a quorum. That reveals the utter arrogance of this Government. It has no mandate to bring in this legislation. The Leader of the Opposition made the point that it did not take long - less than a year - for the Government to become totally arrogant. It is introducing major policy initiatives as priorities, without a mandate. Members do not have to take my word for it. The leader of the Labor Party in the upper House, in answer to that question I referred to earlier, admitted that the Government does not have a mandate for this. The only document on this is a policy platform endorsed in 1999, and not one member of the Government will stand and say that every measure in that platform will be implemented. There may be one member; the member for Albany has just indicated to me.

Mr Watson: The member for Mitchell talks about the Minister for Health not being here. There was a small business function this morning, and the member for Mitchell, who is opposition spokesman on small business, did not turn up.

Mr BARRON-SULLIVAN: I had something on in my electorate. My first responsibility is to the people of my electorate, and I have arranged for a separate briefing. I am the shadow minister and I do concern myself with small business matters. As a lawyer will tell the member for Albany, he should never ask a question that he does not know the answer to.

I want to touch on this question of arrogance, because it is important. The Government has a strong social agenda. The Labor Government and the Australian Labor Party are dominated by one frontbencher - the member for Fremantle. He has a strong agenda that is contrary to community opinion and is probably largely the reason this Government is so on the nose in the community at the moment. The important point is that this State requires other important legislation and initiatives, which are being held up while we debate this sort of legislation. Had this legislation been the result of genuine community consultation and had it reflected the matters that the community considered priorities to end discrimination, it would have sailed through this Chamber and the upper House. It would probably have 100 per cent support in both Chambers. However, because it is laced with this radical social reform of the Minister for Electoral Affairs, it is bogging down proceedings. It is creating division both in this Parliament and in the community. That is not what the community wants. Do members know what the community is looking for from the Government?

Ms Quirk: Leadership.

Mr BARRON-SULLIVAN: The member for Girrawheen is correct; they are looking for leadership. That is because they do not have it and her leader is not delivering it. The community is looking for confidence. They have a Government that creates division and instability in every way possible. I issue another challenge to members on the government side of the House. They should go to the pubs and the local parents and citizens associations and ask whether the people there think a homosexual couple should be allowed to adopt a young boy. Members opposite will find out how many agree with them. Members opposite should go to the unions that pull their strings and that dominate at least 60 per cent of Labor's preselections, and ask the unions to canvass their members. Ask them to talk to the salt of the earth in this State, to the typical householders and families in Western Australia to gauge their opinion. I am fortunate; my electorate covers a range of socioeconomic groups, religious groups and so on. One of the things members learn in this game pretty quickly

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is to wire themselves into their electorates and pick up the feedback. If members opposite had the guts to go to their union colleagues, to put the word out through the work force, in the pubs, at the parents and citizens associations and sporting groups, I can tell them what response they will get. Members opposite know what response they will get. They knew what response they would get before the election; that is why the Labor Party did not have the guts to promote this policy in the lead-up to the election. The Labor Party did not promote this policy - it hid it. The only reference was to property rights on page 11 of a policy that came out two days before the election - as the member for Hillarys said. Whoopee! That was only one aspect of this policy. The only question that will pose a dilemma for members on this side of the Chamber is whether we will repeal sections of this legislation or the whole Bill and start again. Over the next two or three years members opposite will rue the day that this happened.

I will take an interjection from the member for Perth. He has a personal view on this matter, and he has carried that through into his political career. I admire anyone for pushing their own agenda, as long as they consult with the community and as long as it reflects the aspirations of the people that they represent. Did the member for Perth send out material in his election campaign telling people that under law introduced by the Labor Party a homosexual couple would be able to adopt a little boy? Will the member for Perth provide me with a copy with it?

Mr Hyde: You listened to the debate yesterday. We explained our policy clearly on television and radio, and in the Press and newsletters. I refer to the point you are making about repealing the Bill. The member for Ningaloo has committed the Liberal Party to repealing all of this.

Mr BARRON-SULLIVAN: I am not talking about the member for Ningaloo. I am asking the member for Perth, because he has a burning passion on this and he is a member of the Labor Party: did the member in his election campaign send out any material to the voters in the electorate of Perth to tell them this? The member just said that he did. Will he provide me with copies of it?

Mr Hyde: A number of letters were sent to individuals -

Mr BARRON-SULLIVAN: No, that is not true!

Mr Hyde: - putting our position on human rights.

Mr BARRON-SULLIVAN: The member for Roleystone and I are good mates. Did he tell his constituents that a Labor Government would legislate to allow a homosexual couple to adopt a small boy?

Mr Whitely interjected.

Mr BARRON-SULLIVAN: The Government has no mandate. It has a social agenda that is crowding everything off the political landscape. A number of members opposite did not have the honesty to tell people what the Labor Party stood for during the last election campaign. The Minister for Education will not say whether he wants to implement the Labor Party's education policy.

Several members interjected.

Mr BARRON-SULLIVAN: The minister must be proud of his party's policy if he will not implement it. The Liberal Party releases policies with the intention of implementing them, but members opposite are frightened of theirs. The minister must be terrified of something in the education policy.

I oppose this legislation. I support an end to genuine discrimination, as do my constituents. It is time for honesty and an end to this arrogance.

Several members interjected.

The DEPUTY SPEAKER: Order! Members on my right will allow the member to finish his comments.

**MR WHITELY** (Roleystone) [12.22 pm]: I compliment most members of the Chamber for the way in which they have debated this legislation. It is a difficult issue that is affected by our values and beliefs. Generally speaking, the debate has been conducted in a way that does credit to the Chamber. However, I must put on the record my disgust at the performance last night of the member for Kalgoorlie. He went far beyond what is acceptable behaviour. There are two ways to play politics. The first is the easy way. It requires very little imagination and some rat cunning. One simply identifies people's fears and plays upon them. We saw a disgusting display of that tactic last night. The difficult way to play politics requires vision, courage and leadership, often in the face of opposition.

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I do not pretend that these measures are electorally popular, but I will support the legislation because it is the right thing to do. That is my guiding principle. The member for Kalgoorlie asked members to declare their interest last night. My interest is that I am a father with two sons, a niece and three nephews, and I want them to grow up in a State that has laws based on equality and decency, not bigotry and prejudice. That is why I support this legislation.

Last night we witnessed the exploitation of homophobia. What is the source of homophobia? It comes from the same place as racism. People who are insecure often have a desperate need to belong. That need is exaggerated because they are insecure about their position in society. They rely on the mistaken belief that a person belongs because he is the same as the person beside him, and others do not belong because they are different. That is a terrible reflection of how our society excludes people for all sorts of reasons. Nonetheless, that prejudice exists in society and we, as leaders, must fight it. We must at all times resist the temptation to exploit that insecurity.

Why did the member for Kalgoorlie put on such a shameful display last night? Why did he play the homophobia card? He might genuinely believe what he said. As I said, such beliefs are based on insecurity, and he is anything but insecure. It must have been a cynical and noxious example of wedge politics. I am sure he does not really believe what he said.

My father had a keen interest in politics and he probably would have opposed me in my support of this legislation. He was a man of great tolerance, but he was from a different generation. It is a credit to this society that we have moved on. I have taken many of my values from him, but on this topic he would probably beg to differ. I might be wrong, because his attitudes did change later in life.

He told me a story about politics in the Deep South of the United States. A mayoral candidate's opponent was an actor who had a niece. The candidate put out a press release about his opponent, stating that he was a thespian who practised nepotism with his niece. That resonated in the community; people thought it sounded very dirty. A thespian sounded very like a lesbian and nepotism sounded very unhealthy and certainly not something that should be done with a niece. The candidate achieved a remarkable swing and won against the odds. That was meant to be humorous, but no-one laughed, which is a bit disturbing.

Several members interjected.

Mr WHITELY: It is an example of wedge politics. For the most part, members have honestly expressed their views about this issue.

A press release issued by the member for Kalgoorlie states -

“Someone has to save our young people from the Labor Party. The next election can not come soon enough for those decent mainstream West Australians known as the silent majority who are lining up to tip them out.”

I emphasise the terms “decent”, “mainstream” and “silent majority”. The member's appeal to the mainstream or silent majority and his use of those terms is carefully orchestrated. He has chosen them because they tap into the fears of those who are most disadvantaged in our society. The message is, “You are one of us because you are not one of them.” That is a shameful exploitation of those insecurities.

Those statements are the antithesis of liberalism. I looked up the meaning of “liberal” in *The Macquarie Dictionary*. It contains a number of definitions, and some obviously refer to the Liberal Party. Those references were diametrically opposed to the word's core meaning. One reference states -

favourable to or in accord with the policy of leaving the individual as unrestricted as possible in the opportunities for self-expression or self-fulfilment.

Another states -

free from prejudice or bigotry; tolerant.

In that case, I am a social liberal; I believe in those things.

Mr Barron-Sullivan: I will send you a copy of our charter.

Mr WHITELY: Members opposite have strayed far from that charter. In four, eight, 12 or 16 years, according to the will of the people, the Liberal Party will be returned to the Treasury bench. Given the values, beliefs and integrity of the current Liberal Party, I despair about the future of the State and my children. The Liberal Party no longer has members of the calibre of Malcolm Fraser, Fred Chaney and Ian Viner. My morality could be described as that of a liberal. My interpretation of that is that we all have the right to be who we are unless our actions interfere with the rights of others. That is my fundamental belief and that is why I support this legislation.

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I reject the arguments of those who seek to impose their beliefs or values on the rest of society. I have my beliefs and values and I have identified the source of some of them. I wholeheartedly reject those who seek to impose their beliefs and values on others, except when a person's actions impact upon others.

At the risk of stating the obvious, heterosexuality is the predominant sexual orientation in our community and homosexuality is a minority orientation. Some people conclude that that means heterosexuality is better than homosexuality. I totally reject that notion.

Mr Johnson interjected.

Mr WHITELY: The member for Hillarys spoke yesterday about what is normal and what is not. He said that homosexuality is not normal because it is a minority orientation. I asked him whether red hair is normal. He laughed off -

Several members interjected.

Mr WHITELY: There is a parallel. We are human beings who are incredibly diverse. We have different genetic influences, one of which is homosexuality. Homosexuality is natural and part of the natural spectrum of human behaviour. Sexuality is part of us. It is part of our make-up and we cannot alter it. The member for Wanneroo said that it cannot be taught and it cannot be caught. I echo those thoughts and believe that she was spot on.

I will now talk about awareness of sexuality. We know who we are and what we are way before the age of 16. I remember attending primary school and knowing that there was something very special and wonderful about girls. I was attracted to girls and I could not explain it. I did not know where that feeling came from but it was something from deep within. In my case it was natural, but, had I had a different genetic make-up, I might have been attracted to boys; however, I happen to be heterosexual. Three years ago, I was driving along Leach Highway with my son, who would have been four-years-old at the time. He had a Target catalogue that had pictures of toys and other things. It also had pictures of ladies wearing underpants and bras. My four-year-old son sat there, transfixed, with this brochure. The drive took about 25 minutes and during that time, he would occasionally go back and look at what Santa Claus might put in his Christmas stocking as well as turning back furiously to stare at these ladies. I may be wrong - if I am wrong about my son's sexuality, I welcome that - however, that was a practical display of how intrinsic and essential to our humanity and personality our sexuality is. We know our sexuality early on in life. I do not imagine it is any different for homosexual people. One of the difficulties that some of them have is that they are told by society to deny their sexuality. Teaching somebody about the range of sexual behaviour, including homosexual behaviour, will not make him a homosexual. That is rubbish, because it is such an intrinsic part of one's personality. However, if that person is heterosexual, it may make him or her more tolerant and accepting, which is a great outcome. If that person is homosexual, it may teach him that the way he is is okay, and it may teach him safe-sex practices that may, later on in life, save his life. I have an open mind on that issue.

People do not choose to be homosexual. Why would someone choose to be homosexual? It would be the most illogical choice that one could make in our society. Even after the passage of this Bill, homophobia will remain and be an issue with which young people must deal. This legislation is about making it easier for them to deal with who they are and what they want to be. The notion that one can choose one's sexuality is blatant rubbish. That is the heart of the problem. It takes far too much courage to be homosexual. If someone is growing up in his home and that is his orientation, it takes far too much courage to be what he is. One should not have to be brave to be what one is. The heart of this legislation deals with that issue.

I have heard references to a number of studies that show that homosexual people in their 20s are typically more resilient and tolerant than their peers. That does not surprise me. If someone had to go through the difficult process of coming to terms with his or her sexuality in a society that has not come to terms with it, it must make that person tougher. However, that does not mean it is a process that we should put people through.

Mr Johnson: Perhaps we should have a Mardi Gras every year.

Mr WHITELY: Good on them; they have a party and celebrate who they are. It does not affect the member, me, my family or the people that do not want to go to the celebration. What has it got to do with me and other people? Absolutely nothing. If I want to have a celebration about who I am, it is nobody else's business.

I am a former teacher and taught at a boys' school that had about 1 000 students. At any one time there was probably the equivalent of between one and four classes at that school that were homosexual. I was there for a total of seven years and in that time, I can only remember two boys who were either open about their homosexuality, or did not deny it. I admired those two boys because of their courage and their strength of

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character. They had the guts to be who they were in a very difficult situation. It was a good school, a tolerant school and a school with progressive attitudes.

Mr Johnson: What type of school was it?

Mr WHITELY: It was a high school.

Mr Johnson: What age were the boys?

Mr WHITELY: One was in year 9 and the other was in year 11. They clearly knew who they were and did not have a problem with it. Actually, I guess they did but they battled through it and were confident and strong. I really admired the courage that it took for those boys to be who they were. However, that was only two boys in seven years. What about the boys who struggled in the difficult environment of prejudice? What about their lives and their future? When I was teaching, homophobic comments were common in the classroom. I did not pick it up every time that someone said that Fred was gay, or whatever. However, on occasions when somebody called somebody else gay, I would say, "What is the fundamental problem then? If somebody is gay, is that worse or better than not being gay?" The kids, when challenged, would back away. I would say, "We are what we are and it takes guts for someone to be who he is." Kids responded to that.

I chatted with the Attorney General earlier on. In the broadest possible interpretation of the word, I wondered whether I could be encouraged to promote homosexuality. Perhaps I could, or perhaps that is too broad an interpretation. At the school where I taught, students went to a particular staff member who had a reputation for being sensitive and well trusted by the boys. On occasions, boys who were having difficulty dealing with their sexuality approached that teacher. He would give them information on a confidential basis and provided a great community service that probably saved some of those kids' lives. Is it criminal behaviour to tell those boys about the range of sexual behaviour and inform them about safe-sex practices that might save their lives? Was that teacher engaging in criminal behaviour? It is not too long a bow to draw to say that, under the current legislation, it possibly was. However, it was the right thing to do and he was supported in it. I ask members to think about that.

If members oppose the standardisation of the age of consent at 16 and say that the age should be 18 for homosexual behaviour, or 21 as it is currently - the two arguments that I have heard from the other side - there is an inherent and obvious fallacy in that argument. It assumes that a 16-year-old boy is old enough to have heterosexual sex, but is not old enough to have homosexual sex. Surely one's maturity does not vary between homosexuality and heterosexuality. Maturity is a reflection of one's age, life experience and parenting. Wherever the line is drawn in the sand, it should be the same for both sides; if one is old enough to have heterosexual sex, one is old enough to have homosexual sex. I have heard the argument that 16 years of age is too young to have sex. In the majority of cases, that is right. However, we are not making it compulsory to have sex at the age of 16 - one would think we are from some of the outrageous responses we have heard. We are simply saying that 16 is the minimum age at which it is not a criminal offence to have sex. It is not a recommended age but a minimum age.

Mr Johnson: As a teacher, do you agree that 16-year-old boys are boys, and not young men?

Mr WHITELY: It is not an age at which most kids are mature enough to engage in sexual behaviour. I would prefer that they waited a little longer. However, we are not talking about the average age at which one can start having sex. We are talking about the age at which engaging in sexual behaviour is not a criminal activity. A case could be made that for the majority of boys, 16 years of age is too young. However, we need to recognise the range of human behaviours. Wherever we draw the line will not change human behaviour; it will change the way that people feel about themselves, but it will not change human behaviour.

I congratulate the Attorney General. He has been a lightning rod for sections of our society that do not embrace tolerance. I congratulate the Attorney General for his work and I also congratulate the other people whom he has worked with on that issue. I also congratulate him for the flexibility he has shown and for the adjustments he has made to ensure that the rights of the adopted child are paramount. I congratulate him for widening the laws to outlaw discrimination on the basis of sexuality rather than just on the basis of homosexuality. He has shown flexibility and a willingness to listen. I congratulate him for his work prior to and subsequent to the drafting of the Bill.

I will finish my speech where I started. I have an interest in this Bill not only because I am the member for Roleystone but also because I am a father. Regardless of the sexuality of my boys, I want them to grow up in a tolerant society in which people are made to feel that they belong. If it is not the homosexuals who are discriminated against, it could be left-handed people or Catholics. Every time we divide the community, we make it worse for everybody, and that diminishes us all. I congratulate the Attorney General and commend the Bill to the House.

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**MR McRAE** (Riverton) [12.41 pm]: I support this legislation. This reform is not a Bill about sexual behaviour between consenting people; it is fundamentally a Bill about social justice. I am proud to be a member of the Labor Party and I am proud to be a part of this Labor Government that is moving this reform through Parliament. The Labor Party has a history of aspiring to achieve social justice, which is a fundamental expression of our optimism for the human spirit. I am proud to be a member of a Parliament that continues the extension of social justice in our community. Over many years the heritage of the Labor Party has included self-government, universal suffrage, Aboriginal citizenship, native title, the end of the White Australia Policy and the introduction of anti-racist laws. The removal of formal discrimination against gay and lesbian people in our community is the progression along the right path of a civil society. Society must adapt to changes, deal with the differences in the community and also recognise the rights of minority groups. There is plenty of evidence to show that sometimes that is difficult to do. It is no good to say that the measure for the success of this legislative change will be to find out in two years time whether there has been a reduction in the tragic level of male youth suicide, particularly in regional Australia. That will not be the measure of the progression of social justice in this State.

I will reflect for a moment, as have other members, on how our inherited social change, inclusion and the pursuit of social justice for minorities can be seen in other areas with which our society has had to deal. I quote from Noel Pearson who referred to the establishment of native title rights in this country and the continuing denial of the murder and atrocities that were perpetrated against Aboriginal people in this country for 200 years. He said that the changes that had occurred throughout the nineteenth century in Australia's racial ideology reflected the increasing atrocities of frontier expansion and as the frontier became bloodier and uglier, an appropriately vicious racial ideology became necessary. He said racial ideology justified the rapacious dispossession of indigenous people and asked who can deny that this legacy does not linger in the baggage of our national inheritance; and who can say that notions of racial inferiority, rooted in a violent past do not still infect our national psyche? He continued that it is after all, the baggage that our forefathers and our fathers and mothers, teachers and leaders, and all those who have loved us and whom we have loved have given to us; it is a troubling inheritance, because to deny it is to deny something of ourselves.

Fundamentally, this Bill deals with the inheritance that we carry from hundreds of years of inclusion and exclusion. I know it is difficult for many members in this Parliament to come to terms with that and I understand to some extent their justification for the carrying of the baggage that they have inherited from a society that was less inclusive and indeed fundamentally more bigoted. The challenge we face is how we deal with the changes that confront those inherited values. Our civil society is determined by a dual interpretation of our purpose: rights and responsibilities. Members of a civil and inclusive society have the right to be included and not to be formally marginalised and they have the right to be free from discrimination. This legislation pursues those rights. On the responsibility side of the ledger, we all have the responsibility to love and nurture our children and, indeed, each and every member of our community. Our responsibilities include respecting each person for who he or she is. This legislation pursues those elements of the responsibilities that I think are fundamental to a civil society. These rights and responsibilities are the foundation for Labor's approach to social justice and they also underpin our work in other areas. It is the reason that I am a member of the Labor Party and why I consider education, health and environmental sustainability as part of the Labor Party's fundamental commitment to the community. Indeed, they are elements of social justice expressed in different forms in our community.

As much as members opposite would like to communicate to those who fear change that the sky will fall in tomorrow, it will not. Civilisation as we know it will continue to blossom, grow and develop and the world will not stop turning. We will become a better community by continuing our struggle for social justice - and it is a struggle. We will become a better society because we will have become more open and more inclusive. As human beings, we have a daunting challenge to progress our development. We cannot stand still. That is our legacy as human beings in a civil society. This reform is part of that progress. It is daunting for many, but it is the right path for a future defined by inclusion and optimism.

If I have one reservation about the changes we are making, it relates to the age of consent. Many speakers on this debate have talked about their own principles or biases. In my view, in the best of possible worlds the age of consent would be 18 years of age for everybody regardless of the sexual act they want to engage in and regardless of whom they want to engage in it with. However, that issue is not before us today and nor should it be because sensible people know that more than 60 per cent of young people aged 16 and 17 years already engage in sexual activity or sexual experimentation. As a legislator in this State it is not my job to pass bad laws. It would be bad law to enact that type of legislation because it would be observed in the breach. It would be my druthers in my optimum world to fix the age of consent at 18 years. However, I will not do that because I am prepared to accept that in the real world young people do engage in sexual activity.

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My commitment is to work with young people and educate them about safe-sex practices, and engage in a community that is open and inclusive, dynamic, forward looking and not frightened of change. I commend the Bill to the House.

Debate interrupted, pursuant to standing orders.

[Continued on page 6672.]