

**SOCIAL REFORM AGENDA, CONSULTATION**

*Matter of Public Interest*

**THE SPEAKER** (Mr Riebeling): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this House condemns the Gallop Labor Government for pursuing certain divisive and extreme policies as part of its social reform agenda and the rapid pace at which this is being forced upon the people of Western Australia without proper consultation.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis.

**MR BARNETT** (Cottesloe - Leader of the Opposition) [2.45 pm]: I move the motion. There is no doubt that society -

Several members interjected.

The SPEAKER: Members!

*Point of Order*

Mr DAY: The Speaker has a responsibility to call members on the government side to order. The Leader of the Opposition has just commenced a debate on a very important issue, and we have a right to hear him.

The SPEAKER: Members might think back to the events of last week. It is important to listen to members' contributions in this place. When it is a member's turn to speak in this House, that member should stand and speak; until that happens, members should not interject.

*Debate Resumed*

Mr BARNETT: We all realise that society has evolved, and as that evolution takes place we get changes to attitudes. Even values may change over time. It is important that the laws of the State - indeed, the laws of the land - reflect societal values. They should be contemporary and reflect the values society holds at any given time. I do not accept that Governments should force the agenda ahead of society's values; they should not be ahead of the change; they should be moving with the change in those values. Although many parts of the Australian Labor Party's social agenda are acceptable to the wider community, I consider a number of elements to be radical and extreme. As such, my recommendation to this Government is that it should progress with those parts of its social agenda for which there is a broad consensus, and it should have the good sense to delay other matters until there is wider community consultation, to see whether some form of consensus can emerge. If the Labor Government fails to do that, the result will be division within the community. Rather than unifying the community, some of these measures will prove to be divisive. I put it to the House that the rally outside Parliament House three or so weeks ago showed how divided and emotional community opinion can be on some of these issues.

I fully recognise that our society is much different from the way it was in the 1950s post-war period. I do not know that the 1950s were ever as people choose to remember them. Thirty per cent of our population is born overseas; women now make up 43 per cent of the work force; of all marriages, 43 per cent end in divorce; 20 per cent - one in five - children are in single-parent families; and one in four children under the age of three is in childcare arrangements. That is the reality of our complex and diverse society. Western Australian society is a microcosm of Australian society, and there is still a strong reliance on traditional family values. Indeed, our society is essentially Christian based, and that is reflected in our values, institutions, system of governance and laws. I put it to members that Western Australia is perhaps a little more conservative than the rest of Australia. It represents perhaps the smallness of Perth as a city, our isolation, and our lifestyle which tends to be very family orientated. It also reflects the high rate of home ownership and the strong emphasis that Western Australians place on home ownership.

The ALP agenda for social change does in some respects border on the extreme; in fact, I believe it is extreme. It has an agenda that includes some elements of too much change too quickly. It is a style and a rate of change beyond the point that society has reached, and I do not know that society will ever reach that point.

Mr Speaker, there is a lot of noise in this Chamber, and it is continuous noise.

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The SPEAKER: Members, a number of conversations are taking place in the Chamber that should take place outside the Chamber so that other members who want to listen can listen.

Mr BARNETT: The Australian Labor Party in some areas is pursuing too much change too rapidly. That is the problem. I do not disagree with much of what the ALP proposes. The Labor Government seeks to legitimise its social agenda by varying criteria. It claims that change must be made either on the ground of equality, in the name of reform or in the name of uniformity between States. On other occasions it claims to have a mandate for change. It uses different justifications at different times. The Labor Government does not consistently address whether the change is appropriate for the individual or society. That should be the prime criterion for assessing change. I will refer to three broad areas of the Labor Party's social agenda: family law reform, gay and lesbian law reform and the drugs issue. I will use each of those areas to illustrate my point.

Amendments to the Family Court Act are before this Parliament. The objective of that legislation is to help people - typically women - who are in long-term de facto relationships and who, in the event that the relationship fails, will have limited opportunity to share in their property rights. There is no disagreement in the community about the need to provide a process by which long-term de facto relationships can achieve property rights. This Chamber has never questioned that. The Government could and should have had bipartisan support in this Chamber on that matter. However, the Labor Government wants to push beyond what is agreed within this Chamber and in the community. It wants to push its agenda that little bit too far. That is why it runs into difficulty. I recognise that 12 per cent of couples in this State are in de facto relationships. However, in trying to legitimately deal with problems of property rights in failed de facto arrangements, the Government wants to allow the settlement of those disputes in the Family Court. That is what makes the legislation contentious. All other States deal with property disputes in de facto relationships through the civil courts.

Mr McGinty: Their Constitutions mean they must do it that way.

Mr BARNETT: I understand there are legal reasons for that. However, it is a point of contention. Although I do not feel all that strongly about the issue, many people in the community feel very strongly about the property rights of de facto relationships being resolved before the Family Court as opposed to the civil courts, as is the case everywhere else in Australia. If cost or delay is a prohibitive factor in using the civil court, why does the Government not address that?

Many people take exception to the fact that the Labor Government is stretching its agenda beyond the bounds of community acceptance. The Government also is extending to same-sex couples property rights and access to the Family Court. The majority of Western Australians, myself included, do not support same-sex couples having access to the Family Court.

Dr Gallop: Don't be ridiculous.

Mr BARNETT: I am outlining my position to the House.

Dr Gallop: You are reflecting another position.

Mr BARNETT: As an individual and Leader of the Liberal Party, I do not support same-sex couples having access to the Family Court. I would support same-sex couples in long-term relationships having access to a proper process through the civil courts; I will not support their going to the Family Court.

Dr Gallop: It is the same thing.

Mr BARNETT: There is a difference. That is why 3 000 to 4 000 people gathered outside Parliament House in an emotive rally.

The new family law legislation also prescribes that people living in de facto relationships can, after two years, be deemed to be in a marriage-like relationship. The Attorney General's figures show that nearly 60 per cent of de facto couples are in the 20-year-old to 30-year-old age group. Most of those young people have varying degrees of commitment to those relationships. They do not choose to marry. Why, then, should they be deemed to be in a marriage-like relationship in which one of them, after just two years, can have access to not the civil court but the Family Court? That is not what young people want, and they were not consulted about it.

The changes to the Family Court Act will mean that if a long-term marriage fails and the male enters into a de facto relationship with another woman, after just two years the married wife will lose 50 per cent of her property entitlement, and, after the de facto relationship has lasted five years, the wife of maybe 20 or more years will lose all her property entitlement. In looking after the interests of a disadvantaged group at risk - women from failed long-term de facto relationships - the Government has disadvantaged and put at risk another group of women - those in failed long-term marriages. The Government has replaced one disadvantaged group with another disadvantaged group. It has not thought this through properly at all.

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I move on to gay and lesbian law reform. In some respects, I applaud the Attorney General for pursuing this issue. However, as in other areas, he has gone too far too quickly. He could have received bipartisan and widespread community support for many aspects of gay and lesbian law reform. I recognise that this society is far more open, tolerant and accepting of gay and lesbian relationships than it was in the 1950s. It has moved on. I recognise that maybe 10 per cent of people are gay or lesbian, and that figure usually involves a greater proportion of males than females. I also recognise that homosexuality is probably genetic. In other words, someone is more likely to be born gay or lesbian than to acquire it through environmental factors. I also recognise the hardship and anguish that homosexual people experience. It is estimated that between 25 and 40 per cent of gay and lesbian people have attempted suicide at some stage. I have an abhorrence of harassment, persecution, prejudice or vilification of gay and lesbian people. I will not support that behaviour and will never condone it.

However, let us look at the agenda - the way in which the Labor Party went about gay and lesbian reform. It talked about it during the election campaign, and after it was elected it set up a ministerial committee. That committee was not broadly representative of the whole community, and the Attorney General never presented it that way. Membership of the ministerial committee was generally drawn from the gay and lesbian community. It was representative of 10 per cent of the population. What about the other 90 per cent of the population? What about their say? Other people may think that religious, moral or ethical issues should be considered. They are entitled to a view. The failure of the Labor approach is that it focuses on the view of the minority at the expense of the views of a wide cross-section of mainstream Western Australia.

The Labor Party could get bipartisan agreement for many areas of gay and lesbian reform, such as employment, property matters, access to finance and superannuation, next-of-kin, guardianship and so on. The Government would not get dispute in those areas. Why did the Labor Government not progress its agenda in those areas, for which bipartisan support could be achieved? It chose to once again push the agenda into that extreme area in which it will find division, emotional debate, protests and demonstration. Why did it do that so quickly?

The issue that attracts the most attention is that of the age of consent. The argument of the Attorney General and the Labor Government is that the age of consent for homosexual males must be lowered to 16 years because that is the age of consent for heterosexual relationships. The argument is one of equality or uniformity: to remove the distinction between girls and boys. The community does not support that. A recent Westpoll - in which I do not put a huge amount of faith - indicated that 55 per cent of people oppose lowering the age of consent for homosexual males to 16 years. I have spoken to both heterosexual and homosexual people in the community, and the most common response is that they do not support reducing the age of consent to 16 years. Most people - including me - think that 18 years is reasonable. That is the age of majority. That is probably where the community is right now. Both heterosexual and homosexual people - friends of mine - have put that to me quite genuinely. They believe the age should be 18 at this stage, because that is where society probably is right now. Parents are most concerned about this proposal; and why should they not feel protective and caring about their sons?

Mr Kucera: And their daughters.

Mr BARNETT: And their daughters; I do not deny that. However, this is about the age of consent for homosexual males. I recognise that the existing law is archaic in many respects. The Attorney talked about the age of consent and about penalising or making criminals out of two 17 or 18-year-old boys who may engage in a homosexual relationship. The concern in the community about age of consent is not about young men who may engage in homosexual activity. It is about protecting young people, whether they be male or female, against the predatory behaviour of typically older males. If there is an issue about age of consent, why not look at that issue? Why not make the change to 18, if that is what the Government wants to do and what the community would probably accept, but then look objectively at the operation of age of consent on both a homosexual and heterosexual basis? That would be a far more logical way to progress.

Another area in gay and lesbian reform is adoption rights. That argument can be put. However, the Labor Party did not go to the election with any document, statement or policy about giving adoption rights to same-sex couples. Therefore, at no stage can the Government claim to have a mandate for that. There is a sense of genuine outrage among large sections of the community about that matter. There is not widespread support at all. Indeed, the community is not even aware of the arguments for and against. That debate has not taken place. The Government should not progress a matter such as that ahead of community debate, let alone ahead of community opinion.

What about the rights of the child? That has not come into the debate. It may have been considered by the 10 per cent of people in the gay and lesbian community, but I assure the Premier that the other 90 per cent of people in the community have not considered that issue. The Government did not campaign on that issue, and it

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has not debated that issue in the wider public arena. It is a similar situation with in-vitro fertilisation. The Labor Party proposes to give otherwise physically healthy and fertile lesbian women access to expensive IVF technology.

Dr Gallop: That is not true.

Mr BARNETT: That is what it intends to do.

Mr McGinty: It is only medically infertile women.

Mr BARNETT: The Attorney is probably interjecting to say -

The SPEAKER: Order! If a statement that is made is incorrect, then I am sure the speakers to the right of the Chair will be able to correct that statement in their contribution.

Mr McGinty: IVF will be available only to medically infertile women.

Mr BARNETT: It will be available to a lesbian couple one of whom may be infertile and the other may be fertile. It raises some ethical, moral and medical issues. That debate has not been held in the wider community. That is my point.

Dr Gallop: There is a parliamentary committee report on it, and that committee took a lot of submissions.

Mr BARNETT: The parliamentary report did not advocate IVF.

Dr Gallop: Our people advocated it.

Mr BARNETT: If the Premier wants to rely on that parliamentary report, it recommended against it. The point is that access to IVF for same-sex couples has not been widely canvassed in the community. The Government is ahead of the community debate and opinion on that matter.

What may prove to be the most contentious area of gay and lesbian reform is health and sex education in schools. Existing laws prohibit the promotion of homosexuality in schools. It is unclear from the comments made by the Attorney what will happen to those laws, but the implication is that they will be changed. I do not suggest that any Government will actively promote homosexuality in schools. However, the Attorney said, in referring to that part of the law that prohibits the promotion of homosexuality in schools -

... this section may have impeded beneficial activities such as safe sex education campaigns and the information about safe sex practices in schools since 1989 as this relates to young gay men. It is important that all young people receive information about safe sex practices. ... This should not be denied to them simply because of their sexual orientation.

The clear implication is that the door will be opened for the health curriculum of our schools to offer same-sex education. I can tell members, as just one parent, that I do not want my son, as an adolescent, to be exposed to same-sex education in schools. In health education courses, if a child asks what is a gay and what is a lesbian, yes, answer the question, but the vast majority of parents do not want the health curriculum in schools to include same-sex education. The Government has no mandate and no right to proceed down that path. Parents do not want their sons and their daughters to be exposed to same-sex education as part of the health curriculum in schools.

The other major plank of the Government is drug reform. We all recognise the incredibly complex problem of the prevalence of drugs in our society and the damage that causes to our community. About 45 per cent of Western Australians over the age of 14 have admitted in surveys that they have tried marijuana at some stage; and apparently three per cent have tried heroin at some stage. In 1998, there were 75 deaths from heroin. At least 25 per cent of the patients in mental institutions are in those institutions because of drug-related problems. It is estimated that in 2000, about 14 000 crimes, typically home burglaries, were related to drug problems; and 41 per cent of cannabis-related hospital admissions were in the 14 to 18-year age group.

When the coalition was in government, our drugs policy was built on four principles: education, treatment, law enforcement and community involvement. The Labor Government has been at pains to criticise what the coalition did. We increased the drugs budget from \$24 million to \$50 million. The first recommendation of the Labor Party's Community Drug Summit was to build on the policies in place. Therefore, the Government should not be too quick to criticise a genuine effort that stabilised the number of deaths from heroin and introduced what is acclaimed as one of the nation's, and probably also the world's, most outstanding drugs programs in schools. The first recommendation of the Drug Summit was to build on the principles in place, and the Attorney should acknowledge that. Where has the ALP been on drugs? The 1999 State Labor Conference

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made a unanimous resolution to decriminalise cannabis use. The Labor Party did not go to the election with a drugs policy; we did.

Mr Marlborough interjected.

Mr BARNETT: It did not. The Government's policy was to hold a Drug Summit. That Drug Summit was a worthy exercise; no-one is disputing that.

Mr Marlborough interjected.

The SPEAKER: Order!

Mr BARNETT: No-one is suggesting that the -

Mr Marlborough interjected.

The SPEAKER: Order! I call the member for Peel to order for the first time.

Mr BARNETT: The Drug Summit made many recommendations. Probably the vast majority of them would receive bipartisan support. The ALP is proposing to decriminalise cannabis for so-called small personal use, and it talks about decriminalising cannabis for amounts of less than 25 grams or the growing of two plants. As I said in question time yesterday, two plants that are grown hydroponically can produce two kilograms of cannabis in six weeks, with a street value of around \$24 000. That is a reality. The Premier claims that all he is doing is extending the previous Government's cautioning trial that ran in two police districts. People caught with a small amount of cannabis during that trial were fined and required to go to a mandatory education program. If they failed to do so, they would then be subject to the normal criminal offence and penalties attached to that. It was a caution and a first offence. Why not give a kid a warning the first time he or she is caught? The trial was not about decriminalising marijuana. It simply said that if someone was caught once with a small amount of marijuana, he or she was fined and had to go to an education program - it was not in any sense decriminalising the use of marijuana. Why does it matter that the Labor Party will now decriminalise marijuana? It will extend the caution system statewide, which is not an unreasonable consideration, but it will then move to decriminalisation. That is the difference. Cannabis is acutely harmful. It can affect mental health and lead to schizophrenia, depression and psychosis, and it can cause emphysema and cancer and damage to the reproductive system of women users. At least 25 per cent of patients in mental institutions are there because of drug and essentially cannabis-related use.

The policy of decriminalisation will have a dramatic effect on the amount of cannabis grown, supplied and used in the community. In 1989, when the South Australian Labor Party decriminalised the use of cannabis, it quickly led to organised crime moving into the Adelaide industry. People in Adelaide, according to police information, could earn in the order of \$80 000 a year from the backyard production of cannabis under its program. That should not happen in Western Australia. What has happened is that the price of cannabis has plummeted in South Australia and usage has increased. It is true that if the supply of a drug is increased, its price will go down and its usage will go up, and the incidence of harmful effects related to the use of that drug will increase. If there is one thing that distinguishes the Labor Party from the Liberal Party, it is that we will never condone anything that increases the supply, and therefore the use, of illicit drugs. That is an absolute distinction between the Liberal Party and the Labor Party.

What about parents? Parents are trying to set standards for their children and say that an issue is either black or white. Parents, ourselves included, are telling our kids not to use drugs. This Labor Government is saying that a little bit is okay. Where is its support for the parents trying to set standards for their children and keep them away from drugs? Where is this Government's standard?

Many aspects of the Labor Party's social agenda have broad community and, indeed, bipartisan support. However, instead of doing what is agreed, this Government has pushed the extreme elements that will cause division and may inadvertently and unintentionally harm those people in the community that this Government set out to help.

**MR JOHNSON** (Hillarys) [3.14 pm]: As the Leader of the Opposition has said, there are areas in this Bill that we will not have a problem with during next week's debate. We agree that there should not be discrimination against gay and lesbian people.

Ms Quirk: Areas such as?

Mr JOHNSON: I will tell the member the two areas with which I have a fundamental difference. I want members to bear in mind that a Bill was passed through this Parliament a few weeks ago that contained amendments to the Child Welfare Act. Two areas in this Bill, which the Attorney General brought in, contradict

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the amendments to the Child Welfare Act. First, the Premier, the Attorney General and the members on that side of the House want to allow babies to be adopted by homosexual partners. I find that disgraceful. I will never ever know how that can be described as being in the best interests of the child. If the Premier can answer that, he is a very clever man.

Dr Gallop: The Attorney General has already answered it.

Mr JOHNSON: The Premier is the Leader of the Labor Party and he will stand condemned for that.

The second area I disagree with is the bringing down of the age of consent to 16. I have two sons and I know that many young males of 16 years of age are not mature at that age. The vast majority of them do not mature until they are at least 18 years of age. The Premier should have the guts to ask parents what they think about this Bill and about the lowering of the age of consent for their sons to be attacked by paedophiles and older predators, as well as asking them if they agree with young babies being adopted by homosexual men. The Premier would get a resounding no from 90 per cent of the people.

**DR GALLOP** (Victoria Park - Premier) [3.16 pm]: First, it is true that the Government of Western Australia has a wide-ranging agenda for reform in this State. We are keen to facilitate the economic development of our State through providing physical infrastructure, skilled labour, and research and development capacity. The Minister for State Development will soon be making significant announcements on how we will facilitate new job opportunities for Western Australians. Secondly, we have started the process of modernising this State's public sector. That process was commenced with the reduction in the number of government departments. We are focusing on the health system and what we need to do to ensure that the most important part of our public sector addresses the needs of Western Australians. Thirdly, we are re-positioning Western Australia so that future development in this State is environmentally sustainable. The central plank of that new strategy is the stopping of logging in our State's old-growth forests. They are three of the important elements on our agenda; economic development through infrastructure provision, reform and modernisation of our public sector, and supporting environmentally sustainable developments with the key plank being the stopping of logging in old-growth forests.

We also have a social reform agenda, with which this motion deals. The assumption behind the motion moved by the Leader of the Opposition that our social reform agenda is divisive and extreme, and that it is moving too rapidly without consultation, is wrong. The issues debated in recent days, and in future days, in the Western Australian Parliament have been the subject of enormous debate, not only in the Western Australian community, but also in other jurisdictions around the world.

Mr Barnett: Where is your policy saying gay and lesbians can adopt?

Dr GALLOP: That last interjection was interesting. The member for Joondalup will remember only too well the campaign that was run against him by the former member, Mr Chris Baker, who lost that seat. His campaign was run on these very issues. The Leader of the Opposition claimed that there was no policy or agenda, and one of his own candidates, a former member, ran on these issues.

The reform agenda deals with the problems posed for de facto couples in our community and the issue of gay and lesbian people and their rights in our community. It also deals with one vote, one value - a legal reform issue that ensures everyone has an equal voting right - and the results of the Drug Summit and what it has told us about the way in which we should amend legislation to provide a better plank to address the problem of drug abuse in our community. Each of those items are inclusive; they are not divisive policies. Telling people who are marginalised that they will be treated fairly in our community and, with regard to law reform issues, that they will be treated equally, is hardly divisive; it is inclusive. It creates a community. Let us look at this much talked about concept of community in political debate. How do we create a community? With regard to the legal underpinnings of a community and the system of law that we have, which is the backdrop to a community, one of the first things we need to do is to treat all human beings equally. That means that their dignity is afforded equal treatment. No matter their background or sexuality, all people should be given equal treatment. A true community cannot exist if some people are said to be not only different, but also somehow inferior to others.

Mr Pandal: No one says that.

Dr GALLOP: That is exactly what the Opposition is saying. The Labor Party has a clear view, as articulated in its platform, that it will treat people equally. I absolutely and fundamentally believe in the equal rights of all our citizens. The politics of the Leader of the Opposition were left behind in most jurisdictions similar to ours in the 1950s.

Mr Barnett: As a Premier and a father, do you personally support lowering the age of consent to 16?

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Dr GALLOP: I support that. The question of sex education and the issue of the relationship between parents and their children are matters for those parents and children. I do not want a situation in which young boys and girls in our community aged 16 and 17 will be treated as criminals for going through the early stages of their development and, because they are normal flesh and blood human beings, committing sexual acts. That is what this is about.

Mr Barnett: That is the whole point. Address the age of consent.

Dr GALLOP: That is what it is about. It is about whether the criminal law should apply to those kids. It should not apply.

Mr Birney: Do you support teaching it in schools?

The SPEAKER: Order, member for Kalgoorlie!

Dr GALLOP: Yet again, the Opposition is spreading misinformation. I recently watched a wonderful television program on problems throughout the world. The program included an interview with a wonderful nun based in central Africa. She is a true human being, who is dealing with AIDS sufferers on the edge of the community. She was asked her view on the position of the Catholic Church on the provision of contraceptives and condoms. She said that in the world in which she lived, that sort of theoretical proposition had no relevance for what she had to do day to day to save people's lives. Safe sex education is about making sure that young people in our community know what is going on and engage in safe sex. That is what it is about.

Mr Barnett: Do you support same-sex education in schools?

Dr GALLOP: I do not agree with the terminology the Leader of the Opposition has used. I agree with health education.

Mr Barnett: That is the term you used.

Dr GALLOP: Here we go. The Opposition is trying to set the terms of the debate so that it can set its own ideological prejudice.

Several members interjected.

The SPEAKER: I call the member for Kalgoorlie to order for the first time.

Dr GALLOP: I believe in health education for all individuals.

Mr Pandal: That helps you run from the real issue. It is a disguise.

Dr GALLOP: No it does not. It makes it difficult for the member for South Perth to back up his prejudices. The member for South Perth is a prejudiced person. He cannot debate these issues by treating people equally. That is the member's problem. He is a prejudiced person. Some people and interests in our community do not like these policies. Why do they not like them? It is because they want to discriminate on the basis of domestic relationships.

Mr Barnett: They are different.

Dr GALLOP: I heard the member for Moore say that we should discriminate on the basis of de facto or non-de facto relationships. The Opposition is saying that we should discriminate and the Government is saying that we should not. I do not believe in discrimination on the basis of domestic relationships, sexuality, place of residence or the addiction a person might have. Young people in our community have serious problems with drug addiction. We have to deal with that problem.

Mr Masters: Would you pour alcohol for an alcoholic?

Dr GALLOP: That was a ludicrous interjection. Members of the Opposition have not taken on board the recommendations of the drug summit that involve -

Mr Pandal: You would have got a score of three out of 10 for this speech at Oxford.

Dr GALLOP: Here we go; I am receiving personal abuse from that great parliamentarian on the back row.

Mr Masters interjected.

The SPEAKER: I call the member for Vasse to order for the first time.

Dr GALLOP: This Government is committed to equal treatment of and fairness for all its citizens. Once this legislation goes through the Parliament, Western Australia will be a better place. Everyone who lives here will be treated with the same dignity.

Mr Pandal: Half your members hate the legislation.

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Dr GALLOP: Listen to the member for South Perth!

The SPEAKER: Order, member for South Perth!

Dr GALLOP: The member for South Perth is raising the standard of debate. This Government will create a better Western Australia, in which the focus will be on people for what they are and what they can contribute. The real question is this: when these reforms go through the Parliament and become law in Western Australia, will the Leader of the Opposition go into the next election with a program to repeal those laws?

**MS GUISE** (Wanneroo) [3.26 pm]: I will speak against this motion. The need for anti-discrimination legislation is not new. It has been discussed in the community for many years. I was looking through some of the research I have done on this issue and picked out a random example. It indicates just how long this debate has been going on. Discrimination on the ground of homosexuality under the New South Wales Anti-Discrimination Act has been unlawful since 1977. There are other examples, but that was one I picked at random. The debate in Western Australia has been going on for some years. Members in this place might remember that in September 1997, Hon Helen Hodgson introduced the Acts Amendment (Sexuality Discrimination) Bill in the other place. The community is well aware of Labor's support for the changes to the legislation to remove discrimination.

Given the wording of the motion, I will refer to some letters to the editor published in *The West Australian*. Plenty of debate occurred in those letters. The first I will refer to was published in *The West Australian* of 31 March this year, which states -

AT LAST we have a government that is going to truly represent the community. It is gratifying to see the Labor Government begin to bring WA in line with the rest of the country.

The lives of all West Australians need to be considered and the rights of all its citizens taken into account when introducing new legislation.

The rights of lesbians and gays in WA have for too long been ignored and I am pleased to see that this Government is standing by its promise on age of consent and equal rights for lesbians and gays.

A letter of 3 April 2001 states -

HOW wonderful it is to see the new Government is going to bring WA in line with all the other States and Territories of this country -

Mr Johnson: Why don't you read some of the other letters?

Ms GUISE: I am just pointing out that lots of debate has happened in the newspaper. Further down, the letter continues -

It is about time people realised that everyone deserves equal rights and recognition, no matter what their sexuality. So, well done to anyone who tries to end discrimination in this State.

The Gallop Government has my full support on this initiative and I hope it encourages more West Australians to come out and be proud in WA.

A letter to the editor of 6 April states -

The claim that "Jim McGinty and the Labor Government have absolutely no right even to consider" gay law reform is preposterous and flies in the face of the result of the February State election. The Gallop Government has a full electoral mandate to review our existing antiquated laws in relation to gay people. Indeed, to do less would be to renege on a clearly presented election promise.

Another letter to *The West Australian* of 9 April, which is headed "About time", states -

The Human Rights and Equal Opportunity Commission welcomes the appointment of a committee on gay and lesbian law reform in WA.

Federal and State laws in Australia continue to deny gay and lesbian couples the rights afforded heterosexuals in such fundamental areas as superannuation.

The Commonwealth Superannuation Act 1976 and other superannuation and defence force Acts still contain sections that impair equality of opportunity in employment and deny equal protection before the law for same-sex couples.

It goes on. It is signed by the Human Rights and Equal Opportunity Commission in Sydney. The debate is not new.

Mr Barnett: Are you going to read the letter from the Catholic archbishop?



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Ms GUISE: That is part of the debate, as the Leader of the Opposition well knows.

I have a unique position in this debate. As many people are ready to bandy about the views of parents, I am the parent of a gay child; my daughter is a lesbian. It is interesting that only one member in this place has bothered to ask my opinion, as a parent, on these laws to protect our children. I will explore this further in the debate, but I offer members this: the current laws as they stand offer no protection across the board for our young people, and they must be changed.

Mr Pental: Which laws do you mean? Some should be changed and some should not. Tell us in detail.

Ms GUISE: Other members wish to speak, so I assure the member that he will hear from me next week. I look forward to the debate ahead on this important area of law reform. The Leader of the Opposition referred to division in the community. There is a lot of division in the community and a lot of people are being hurt by that division. He spoke of marriage breakdown and of children in care. He spoke about our extreme policies, and said that it is too much change too quickly and that we are out of step with the community. I suggest that perhaps members opposite are out of step with the community.

Mr Barnett interjected.

The SPEAKER: Members! I do not know whether the member for Wanneroo was speaking in the past couple of minutes, because I could not hear what she was saying. It is important that members have the right to speak on this issue.

Ms GUISE: Our change is based on human rights and respecting the international covenants to which this country is a signatory.

Members opposite also spoke about sex education in schools and about promoting homosexuality in schools. Let me give members opposite a news flash: it is not a choice. Why would someone choose to be discriminated against and vilified? People cannot catch it and it cannot be taught. It is inherent in people. I find it unacceptable to deny our children the absolute truth that these circumstances exist in life, so that children continue to self-harm and commit suicide. This is a debate that we must have. Information must be given to the community so that we save the lives of our children. It is as basic as that. I do not want to go to any more funerals. I do not want to hear about any more kids who are self-harming because they have nowhere to go and no-one to turn to. That is unacceptable. As parliamentarians, we cannot turn our backs on that. We must think about the rights of the child in this debate. Members are thinking about their past prejudices, but they must think about the rights of the child.

Mr Johnson interjected.

Ms GUISE: The member is. Frankly, some of the things he has said are offensive to me as a mother, a parliamentarian and a Christian.

The age of consent is a real issue for people. We have put in place laws that will protect both males and females, which is a first in this State. It is absolutely essential that these changes be put in place. Next week I will speak further on the adoption rights issue and also in-vitro fertilisation, focusing on the rights of the child.

Mr Johnson interjected.

The SPEAKER: The member for Hillarys!

Ms GUISE: On the subject of the Drug Summit, earlier several members had the opportunity to visit the wonderful people in this State who are working in this area. I should not call it a drug tour, but I will. I had lunch with two addicts. One was a young lad who was a heroin addict and was on probation. One thing I learnt from those two people is that there is no one simple solution. The community is demanding that we seek new measures to deal with this issue. I do not want a young person to have a criminal record for something that could well have been a youthful indiscretion. That is unacceptable. We must free up the police and the courts to go after the people who are dealing in death. From my experience with the schools organisation, I can tell members that the biggest problem in this State is alcohol. Somewhere along the line, we will have to deal with that problem.

In conclusion, the only thing I find shameful about this debate is that it is being held in 2001 - the twenty-first century. Many of our young people have died, and others have continued to suffer due to discrimination and vilification, while this Parliament has sat on its hands.

**MS RADISICH** (Swan Hills) [3.35 pm]: I speak against the motion today. Some people construe our Government's social reform agenda as one that is divisive and extreme. I consider it to be a very positive social reform agenda. The blend of different views in this Chamber is a positive thing, because we have the opportunity to discuss openly our different views and to make progress together. What is divisive in our

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community is the inequity that currently exists in many areas, a number of which have been discussed in the Chamber today. I believe that our Government's reform agenda demonstrates a great deal of political leadership, something which is fundamentally lacking in the political system across the country today. It is our role within that social agenda to not only educate members of the community about the inequities that exist, but also promote tolerance so that different people can live their lives in different ways and live together harmoniously.

As the Premier mentioned a moment ago, our one vote, one value legislation is an element of our social progression legislation. It is not divisive and, in fact, it will work to bind my community closer together. As members will be aware, the electorate of Swan Hills has approximately 30 500 electors in 35 different suburbs. The communities within my electorate are extremely diverse. Unfortunately, there is no real community of interest within that electorate, which makes it very difficult for different groups to communicate and work together. Binding smaller communities together will certainly enhance the level of cohesion that exists in many large and disparate metropolitan seats at this time.

I turn to the issue of adoption by gay and lesbian couples. A lot of untruths are being expounded by a number of members. We should reflect upon the legislation and the realities that will exist as a result of the changes the Government is seeking to make. Between 10 and 12 domestic babies are adopted in Western Australia each year. As many members will be aware, the process of adopting a baby is extremely comprehensive and intensive for the prospective parents.

Mr Barnett: One of the same-sex partners may be the natural parent of the child.

Ms RADISICH: That is precisely the point.

Mr Barnett: It will not necessarily be rare; it will be quite common.

Ms RADISICH: I disagree with the Leader of the Opposition. As he knows, the assessment procedures for any domestic adoption are intensive. Government officials visit the houses of prospective parents over a long period. Those people undergo a number of quite intensive assessments. Unless the best interests of that child can be met, the adoption will not be granted. On the very rare occasions that such an adoption occurs, it is because the child will receive the maximum benefit from that arrangement. It would be rare. It should not be blown out of all proportion when only 10 or 12 domestic adoptions occur each year.

A host of other issues have been raised today that some people may construe to be extreme or divisive in the community. These include legal recognition of gay and lesbian couples, drug law reform, and access to the Family Court for de facto partners, and the list goes on. We must recognise that times are changing, and it is our responsibility to accept that and reflect it in the legislation we pass. I remind the 57 members of the Chamber assembled here that we are not reflective of the greater Western Australian community. It is up to us to find out what is happening, so that we can make our legislation relevant. If we do not do that, there is no point being here at all.

The agenda pursued primarily by the Premier, in conjunction with the Attorney General, is extremely positive for the community. It is an agenda that recognises the real problems that exist, and genuinely tries to address those issues in order to make progress in our society, to educate people about the different types of lifestyles and life choices, and to make sure that everyone is treated fairly. Importantly, it recognises what goes on in the community. It is our way of recontextualising the legislation to make it much more relevant to the broader community that we all purport to represent in the Chamber.

**MS QUIRK** (Girrawheen) [3.41 pm]: I note that the motion we are debating today refers to division. I point to an article in today's *The West Australian* headed "WA families second in poor stakes", which reads -

WA has the second highest poverty rate in Australia . . .

That is the sort of division generated by members opposite: social division through economic hardship.

Members opposite have done nothing in social reform for the past eight years. They have hidden their heads in the sand and been too cowardly to do anything. They put those issues into the too-hard basket. Issues such as prostitution and gay and lesbian law reform were too hard, and members opposite were not prepared to do anything. The community wants leadership. Members opposite gave them no leadership on any of these issues. We came into government and recognised the need to give leadership in this area and to solve what are real day-to-day problems in the community. It is complete rubbish for the Leader of the Opposition to think this is some sort of obtuse academic plaything of the Attorney General's. These sorts of issues affect people in their day-to-day lives. I will quote Bridgman and Davis's *Australian Policy Handbook*, which reads -

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One way of avoiding wicked problems, and just plain difficult ones, is not to make a decision at all. Government may find it easier not to discuss a matter than to disappoint some supporters.

That is what we have seen for the past eight years. That is the legacy of members opposite.

I will have the opportunity next week to talk in some detail about gay and lesbian law reform, as I had the honour of chairing the committee.

Mr Johnson: How many gays and lesbians made up that committee?

Ms QUIRK: I can tell the member for Hillarys that I was not one of them. The whole committee was composed of gays and lesbians - other than the secretary and me. It did not purport to represent the whole community and I will talk about that in some detail next week.

I now want to touch on reform of the law on prostitution, on which my colleague the member for Midland and Minister for Police is acting with due expedition. That was another issue the former Government put into the too-hard basket. Members opposite could not deal with it because they felt they might offend some people. The whole issue was in crisis. We had a containment policy that fostered organised crime and bribery, and many people in the inner suburbs lost quiet enjoyment of their homes. The whole thing was a shemuzzle.

My friends opposite should not call their party the Liberal Party; it should be called the misnomer party. The idea that members opposite should call themselves liberal is an absolute joke. I quote Alan Paton, the great South African writer, on this subject -

By liberalism I don't mean the creed of any party or any century. I mean a generosity of spirit, a tolerance of others, an attempt to comprehend otherness, a commitment to the rule of law, a high ideal of the worth and dignity of man, a repugnance for authoritarianism and a love of freedom.

Members opposite have failed, failed, failed!

**MRS EDWARDES** (Kingsley) [3.45 pm]: I will bring the focus of the debate back to families and parenting. All parents recognise that when they became parents they did not have the necessary training in those early days, and they learnt as their children grew. It might be trite to say that children are our next generation, but they are. The future of our society is determined by the way in which they grow up. All one ever expects or wants from government policies is that they will strengthen families and help parents to bring up their children. A number of the Government's policies to date will make it hard for parents in their dealings with their children. For example, the Government has been running the Say No To Drugs campaign in the community. What do parents say when they are sitting around their kitchen table at breakfast or dinner, and their son tells them that drugs are okay because the Government says they are okay and he has put in his order for two cannabis plants?

Dr Gallop: When did we say it was okay?

Mrs EDWARDES: It will be okay when the Government passes the legislation, and when the Government brings in the Family Court Amendment Bill that puts the rights of de facto couples ahead of the rights of wives and families, and when the Government incorporates into the education curriculum gay and lesbian sex education. How will families deal with these changes? The challenges that we face as parents are enormous, and all we want from government policies is a helping hand. All we will get from this Government is an attack on families and no help for us as parents. We have nothing to help meet those challenges.

**DR WOOLLARD** (Alfred Cove) [3.47 pm]: I support this motion. I agree with the Leader of the Opposition that the Government's social reform agenda is being brought in at a rapid pace. The Premier and Labor Party, as part of their election platform, discussed economic reform, reform of the public sector, environmentally sustainable development, and, in particular, stopping logging our old-growth forests. However, I disagree with the Premier, in that I do not believe that the social issues we have been discussing over the past few weeks in Parliament, and the issue that we shall be discussing next week, were taken to the community as part of the Labor Party's election platform.

I hope that the de facto legislation, which we discussed and was passed in this House the other week, will be fair and just when it comes back to this House from the upper House. At the moment I do not believe that it is a fair and just Bill for either de facto partners or women in marriage relationships. The one vote, one value Bill that the Premier says will give voters equality is one vote, one value for the Legislative Assembly only. It is not true one vote, one value because the principle will be implemented differently in the Council. The Premier cannot say this is fair. If it were fair, it would apply to both Houses.

**Extract from *Hansard***  
[ASSEMBLY - Thursday, 29 November 2001]  
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Today, I was pleased that the members for Wanneroo, Swan Hills and Girrawheen spoke on this issue as backbenchers. I expect to hear from them next week because this issue is a women's and a mothers' issue. I also speak as a mother, a parliamentarian and a Christian.

Mr Omodei: Do the fathers come into it?

Dr WOOLLARD: This is very much a mother's issue. The Premier talked about discrimination. The Bill we will debate next week is about equality. I have always said that I support equality. However, as a mother I will not support lowering the age of consent to 16 years. There should be equality, but the age of consent should be 18 years for gays, lesbians and heterosexuals. Wherever possible, the care of children should be left to the parents. This morning I went to a reconciliation meeting and was told that the care of children should be left to the parents rather than giving control to the Government.

Will the Premier allow Labor Party members to have a conscience vote on social reform issues? I have discussed this issue with members from both sides and have found that members on both sides agree that the age of consent should be kept at 18 years. It would be a shame if people have to vote along party lines to support the lowering of the age of consent to 16 years when they do not believe in their hearts that it should be lowered. In summary, I support this motion.

Question put and a division taken with the following result -

Ayes (18)

Mr Barnett	Mr Day	Mr McNee	Mr Waldron
Mr Barron-Sullivan	Mrs Edwardes	Mr Masters	Ms Sue Walker
Mr Birney	Mr Edwards	Mr Omodei	Dr Woollard
Mr Board	Mr House	Mr Pental	Mr Bradshaw ( <i>Teller</i> )
Dr Constable	Mr Johnson		

Noes (30)

Mr Andrews	Mr Graham	Mr McGinty	Ms Radisich
Mr Bowler	Ms Guise	Mr McGowan	Mrs Roberts
Mr Brown	Mr Hill	Mr McRae	Mr Templeman
Mr Carpenter	Mr Hyde	Mr Marlborough	Mr Watson
Mr Dean	Mr Kobelke	Ms Martin	Mr Whitely
Mr D'Orazio	Mr Kucera	Mr Murray	Ms Quirk ( <i>Teller</i> )
Dr Edwards	Mr Logan	Mr O'Gorman	
Dr Gallop	Ms MacTiernan	Mr Quigley	

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Pairs

Mr Trenorden	Ms McHale
Mr Ainsworth	Mr Ripper

Question thus negatived.