



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Thursday, 7 May 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

DELEGATION TO ZHEJIANG

Statement by Speaker

THE SPEAKER (Mr Strickland): I have received an invitation from the Chairman of the Standing Committee of the Zhejiang Provincial People's Congress to lead a delegation to Zhejiang in furtherance of the sister state relationship between Zhejiang and Western Australia. This follows a tour of inspection of some parts of Western Australia by a delegation from the Zhejiang Provincial People's Congress which was hosted by my predecessor in April 1996. The members for Belmont, Midland, Roleystone and Wagin will join me as the delegation, which will visit China from 23 August to 4 September this year.

LORD STREET SPEED LIMIT

Petition

Mrs van de Klashorst (Parliamentary Secretary) presented the following petition bearing the signatures of 10 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned people of Western Australia wish to express our concern at the speed limit of 80 km on Lord Street between Reid Highway and Gnangara Road and for the safety of drivers and inhabitants along this road should the speed be increased rather than lessened. Please do not increase the speed limit.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 202.]

BREAST SCREENING UNIT, SOUTHERN SUBURBS

Petition

Mrs Holmes presented the following supplementary petition to the petition already presented bearing the signatures of 97 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned call for urgent interim arrangements to be made for a Breast Screening Unit to be provided in the Southern Suburbs until a permanent unit is re-established. Women of the Southern Suburbs should not be subjected to undue stress by having to travel long distances to access important health services.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 203.]

CAR REGISTRATION FEE INCREASES

Petition

Mr Kobelke presented the following petition bearing the signatures of 98 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned citizens are totally opposed to the State Government's decision to impose a new tax on Western Australian motorists through massive increases in car registration fees. Western Australian motorists already pay directly for the cost of roads through State and Federal fuel levies. The revenue

received by the State Government from the fuel levy and from the sale of the gas pipeline provides the Government with resources to develop our transport infrastructure. This new tax is unfair and has a disproportionate impact on middle to low income earners.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 204.]

WEST MIDLAND PRIMARY SCHOOL

Four Year Old Program - Petition

Mrs Roberts presented the following petition bearing the signatures of 107 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned urgently request a program for four year olds at West Midland Primary School for 1998. We note that West Midland previously had a four year old program, before the five year olds became full-time. It currently has an unoccupied pre-primary building. We note that there are 22 children already on a waiting list and further that neighbouring schools have no vacancies and have formally refused children outside their immediate catchment areas.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 205.]

AUSTRALIAN INTERNATIONAL GRAVITATIONAL OBSERVATORY

Statement by Minister for Commerce and Trade

MR COWAN (Merredin - Minister for Commerce and Trade) [11.07 am]: Mr Speaker, I advise the Parliament that State Cabinet has approved a grant of up to \$570 000 to the University of Western Australia to build the cornerstone laboratory and associated physical infrastructure of the Australian International Gravitational Observatory at Wallingup Plain, near Gingin. The grant has been made on the condition that the project attracts at least \$2m of federal funding in addition to the State's contribution.

The Australian International Gravitational Observatory is a project of the Australian Consortium for Interferometric Gravitational Astronomy, which comprises the University of Western Australia, the Australian National University, the University of Adelaide and the CSIRO. International collaborators include institutions of the standing of the Massachusetts Institute of Technology and the Max Planck Institute for Quantum Optics.

The fundamental purpose of the observatory is for research into and detection of gravity waves. The observatory will be at the forefront of international gravitational research and will encompass expertise in the application and manufacture of a wide range of leading edge technologies, which promise major spin-off benefits to Western Australian industry. These benefits will include increased research and development activity, enhanced research capability, post-graduate and industry training, technical training and international scientific collaboration.

An on-site visitors' centre will provide a significant tourist attraction in itself and will be a valuable addition to the visitor attractions in the wheatbelt region. It is ideally located to take advantage of the estimated 150 000 people who visit the Pinnacles every year.

By way of comparison, the Radio Telescope and Visitor's Discovery Centre located near Parkes in New South Wales attracts approximately 60 000 visitors each year.

Mr Speaker, the provision of this funding is a further demonstration of this Government's commitment to implement the state science and technology policy and capitalise fully on the advances in knowledge which flow from research and development activity.

VOLUNTEER EMERGENCY SERVICE WORKERS - INSURANCE

Statement by Minister for Emergency Services

MR DAY (Darling Range - Minister for Emergency Services) [11.10 am]: Mr Speaker, all volunteer emergency service workers in Western Australia should be entitled to equivalent levels of insurance and compensation cover in the event of a tragedy, irrespective of their personal circumstances, or the agency in which they serve. The

contribution of these volunteers to the protection of life, property and the environment in this State is immeasurable. Their tasks are performed under arduous conditions and at times involve risking their own lives. Nineteen volunteers have died while undertaking emergency services activities in WA over the last 90 years from 1908 to 1997. The death of two volunteer firefighters in 1996 highlighted anomalies in the way insurance and compensation matters were dealt with across emergency services agencies.

At its meeting on 11 March 1996, Cabinet gave approval for these anomalies to be addressed, pending permanent arrangements being set in place. This was to be done by firstly taking out insurance cover to standardise protection for Bush Fire Brigade volunteers and WA Fire Brigade volunteers, so that the amount payable to the volunteer's estate is the "prescribed amount" irrespective of dependency. Secondly, an undertaking was made to provide a top-up payment in the event of the death of a volunteer of the WA Fire Brigades, WA State Emergency Service or Sea Search and Rescue. This would be equivalent to that provided for Bush Fire Brigade volunteers under the Bush Fires Act, irrespective of dependency.

In April 1997, I established an interagency insurance committee, chaired by the former Minister for Emergency Services, the member for Wagin. The committee included representatives from the Bush Fire Service, Fire and Rescue Service, State Emergency Service, the Western Australia Police Service and the Western Australian Municipal Association. The task of this committee was to make recommendations to me on matters relating to insurance compensation matters for volunteers.

The committee had three objectives. They were to identify and address problems relating to volunteer insurance and compensation; identify all sections of the various Acts and regulations that will need to be repealed; and recommend the content of the proposed new volunteer insurance legislation. The committee recently submitted a report containing 23 recommendations concerning potential legislative measures to address existing problems, and provide an appropriate level of protection for Western Australia's 20 000 emergency service volunteers. I believe the adoption of recommendations relating to the provision of a uniform minimum level of insurance cover for all volunteers is both timely and essential in order to address the identified shortcomings and inequities.

We often take our emergency services for granted. We expect them to respond automatically to a call for help, but we sometimes overlook the fact that these people are leaving behind their families, jobs and other personal commitments in order to assist.

I am releasing this report today to facilitate consultation with key stakeholders prior to the development of draft legislation. This consultation will include emergency services agencies, local government associations, emergency services volunteer associations and insurers. There will be an opportunity for people to comment on this report until the end of July 1998. I urge all interested parties to obtain a copy of the report and submit their views.

I take this opportunity to thank the member for Wagin and his committee for their contribution and support for this very important initiative.

Mr Speaker, I table this report for the consideration of this House.

[See paper No 1386.]

WAR MEMORIAL MUSEUM - HELLFIRE PASS, THAILAND

Statement by Minister for Multicultural and Ethnic Affairs

MR BOARD (Murdoch - Minister for Multicultural and Ethnic Affairs) [11.13 am]: I inform the House about my recent visit to Hellfire Pass in Thailand. The purpose of my visit was to represent the State at the official opening of the Prisoner of War Memorial Museum at Hellfire Pass, and at associated ceremonies and functions. I was invited to participate in my capacity as Minister for Multicultural and Ethnic Affairs and Minister for Youth.

The Memorial Museum was opened by the Prime Minister, Hon John Howard MP, and the Thai Deputy Minister for Defence, General Wattanachai Woothisiri MP, on Friday, 24 April. The Minister for Veterans' Affairs, Hon Bruce Scott MP, attended, as did several hundred Australian former prisoners of war, and Thai and other dignitaries. The \$1.6m museum was developed and constructed in a cooperative venture between the Australian and Thai Governments.

This memorial is a fitting tribute to the more than 80 000 people, including 2 700 Australians, who perished during construction of this section of the infamous Burma-Thailand rail line. It will serve an important educational function for visitors to Hellfire Pass, preserving the memory of those who died and reminding young people of all nationalities of the cost and tragedy of war. The museum is situated at the top of Hellfire Pass itself which is a four kilometre walking track along a portion of disused rail roadbed. Although only foundations and remnants of bridge fixing

materials remain, the pathway still provides a strong impression of what the POWs achieved under appalling conditions.

Fifty five years ago, about 400 Australian POWs began work with basic hand tools supplemented by a compressor drill. They made an excavation about 150 metres long, up to 10 metres wide and 20 metres deep in places. As it became apparent that the Japanese timetable might not be kept, more Australians and some British, Dutch and American POWs were added to the workforce. The Burma-Thailand railway covered a total length of 415 kilometres and was completed in 17 months. It was used for about 21 months to move supplies to the Japanese troops.

I was also privileged to attend the Anzac dawn service which was held at Hellfire Pass. Later on that Saturday morning, I attended the memorial service at the Kanchanaburi War Cemetery where some 7 000 people are buried. At the War Cemetery, I was proud to lay a wreath on behalf of the State Government and the people of Western Australia. I was particularly proud of the 17 young people from Western Australia who travelled to Thailand on the annual Quiet Lion Tour. This tour has been organised since 1985 by Western Australian ex-POWs. Its aim is to pass on the legend of the great Australian, Sir Edward (Weary) Dunlop, to a younger generation. This year, Returned and Services League sub-branches in Mingenew, Three Springs, Eneabba, Coorow, Carnamah and Wongan Hills sponsored students on the tour.

Australian-Thai friendship camps are to be established which will enable young Western Australians to study the Thai language and culture, and young Thais to study English. The first of these is scheduled to be held in the October school holidays. In addition, a leadership course will be conducted by a major in the Army Reserve who is working for the Scouts Association of Australia with Western Australian schools.

ACTS AMENDMENT (ABORTION) BILL

Suspension of Standing Orders

MR COWAN (Merredin - Deputy Premier) [11.16 am]: I move -

That so much of the standing orders be suspended as is necessary to enable the Acts Amendment (Abortion) Bill to be dealt with when government business has precedence.

As I indicated to most members last night, my purpose in moving this motion is to enable us to deal with the third reading of this Bill today.

Question put and passed with an absolute majority.

Third Reading

MS WARNOCK (Perth) [11.18 am]: I move -

That the Bill be now read a third time.

I take a few minutes in this third reading debate to thank a number of people who have assisted with the passage of this Bill so far. Firstly, I thank my staunch pro-choice colleagues on this side of the House, who have remained true to their pro-choice principles often in the face of a great deal of unpleasantness from opponents. They spoke forcefully on behalf of women and assisted me greatly. Next, I thank the pro-choice supporters on the other side of the House. They were also staunch and unwavering, very hardworking and spoke feelingly and forcefully in this difficult debate. In an intense debate like this there are plenty of agonies. I especially congratulate those who, despite personal agonies, decided to put their constituents and the Western Australian majority, the Mario Cuomo position if one likes, before their own personal views.

It is tough and requires a great deal of backbone. I have new respect for those colleagues. All politicians deserve respect. Members do not generally receive a lot of it from the community, but I believe that all politicians deserve respect for discussing it in the full glare of media coverage, and at times, receiving appallingly abusive attacks from zealots and bigots on a deeply sensitive and emotional issue. It has been not easy and I thank the members. I do not think the public realise how difficult it has been. It was sad at times that an atmosphere of moral authoritarianism, and perhaps obsessive passion, caused some colleagues to fall below their generally high standards of thoughtful debate. This Parliament has achieved that which a majority of West Australians wanted it to achieve as this terribly protracted debate nears its end. This Parliament has, in a very tolerant and profoundly Australian way, decided to let women make their own personal moral decisions about this agonisingly personal matter.

The South Australian Labor Premier Don Dunstan said many years ago in another context that the State has no place in people's bedrooms, and I believe that this is generally an Australian view. I respect people who, for their own religious reasons, choose not to use contraception or to undergo abortions, but it is disastrous public health policy, and the State must make rules for the entire population, whatever their individual religious convictions. I have

spoken to a number of people belonging to different religious groups in the community, including Jewish groups, Greek Orthodox groups and so on. I am aware that many of those people share my view. In a diverse secular democracy, a moral solution must be found to issues such as this which respects personal liberty. It is a profoundly Australian view to respect personal choice and liberty in matters such as this. I come to this conviction from having worked in this area and having discussed this issue with thousands of fellow Western Australians.

If this Parliament had not agreed to support women's choice - a safe legal choice in this matter - I believe it would not have done its duty. A great deal of time has been spent debating this issue. Issues have been canvassed in many ways and over many hours. I do not need to canvass them in this third reading debate.

I would like to mention by name the people who have been so helpful in this House. However, there are many I should mention, and I would take up too much of the time of the House. I thank my colleagues on both sides of the House who have been so supportive and strong. I thank Drs Judy Straton, Harry Cohen, and Scott Blackwell, and the many others who worked very hard to provide information to members in this very complex debate, which has been very difficult for lay people to deal with. I also thank parliamentary counsel, Greg Calcutt, who provided such necessary assistance under extremely difficult circumstances.

MR PENDAL (South Perth) [11.23 am]: Fourteen years ago in one of the first important speeches I made in Parliament as a new Liberal MP, I crossed the floor in the other place and cast my vote in favour of abolishing capital punishment in Western Australia. I was always proud that the Labor Government of the day relied on that as one of three votes that would abolish use of the gallows in this State. I recall at that time being berated and threatened by many people. I was told I had no right to impose my personal private conscience on the State. I was told my religious views were irrelevant. Nonetheless, I made the decision because I was repulsed then, as I remain now, by the notion that the State could take a person's life in such a calculated and cold-blooded act.

Fourteen years later, within the context of this abortion debate, I have similarly been berated and threatened. People have told me I have no right to impose my personal private conscience on the State. I have been told my religious views are irrelevant. Nevertheless, I took my anti-abortion stance because I am repulsed by the notion that the State will allow the taking of the life of a perfectly formed child who is months away from a normal birth. The issues to me are the same; life, and its preciousness. I can understand people who say that public opinion is on their side. They tell me that public opinion is in favour of abortion. People are told that public opinion is sacrosanct and that, accordingly, I and many of the pro-life members should put our personal beliefs on hold, step aside, and allow the new law to pass without comment. I do not accept that argument. Like any member of Parliament, I have a healthy regard for public opinion. That does not mean however that public or popular opinion is always right.

I remind members that popular opinion once sustained slavery. Once, popular opinion legitimatised and made respectable the act of keeping a human, who was usually a black or coloured person, in a state of bondage. Aristotle wrote of the dangers of the tyranny of the majority. Yet, even that great thinker, as has been observed in Garnsey's book *Ideas of Slavery*, was part, albeit a sophisticated part, of the popular ideology according to which slaves were as a race degenerate. The view of people being kept in bondage was tolerated and even argued by Aristotle, all in the name of existing practice and pursuit of the best life.

Similarly, the lack of popular objection failed to prevent the genocide of Aborigines in Tasmania in the nineteenth century. In Queensland, white settlers treated Aborigines as sport for shooting expeditions as late as 1838. In South Australia, public opinion allowed for "Sunday shoot-ups" which resulted in the death and maiming of countless thousands of Aborigines. These acts were tolerated because public opinion regarded Aboriginal people, and I use the term from the *Encyclopaedia of Aboriginal Australia*, as "vermin to be eradicated".

I agree that public opinion today sustains a system of permitting abortion. It does that to some extent, at least, because some in our community and some members of Parliament cannot come to terms with the foetus as a life or a human. I see a direct analogy with those who, barely a century ago, were part of that public opinion which supported Aboriginal genocide on the ground that human life was not at stake. I agree public opinion is to be respected, but not uncritically. All of us are incremental beings and we need time to rethink, reabsorb, and rediscover. Not a person among us today, in this Chamber or in the wider community, would reimpose slavery. That would be unthinkable and repugnant because the community has reached a better level of understanding. Nor is there a person among us today who would countenance making it respectable once more to hunt or shoot Aboriginal people. That would be unthinkable and repugnant because people in our society have rethought, re-absorbed and rediscovered a self-evident truth; that is, this is about human beings. What caused those changes of heart and changes of mind historically? I submit that it was time and the process of education. Those two valuable commodities - time and education - converged so that people, over a generation or two, or more, underwent a profound change. Thus public opinion also changed. Both time and broader universal education allowed people to see slavery and the killing of Aborigines as morally wrong.

I see signs already of a generational change in attitudes towards abortion. I, as a so-called conservative Catholic, am not alone in saying that life must be protected from conception onwards. I remind members of what I have said before and I remind doctors of what their own world body has said of human life. The Declaration of Geneva was adopted by the World Medical Association in 1948, and re-affirmed in Sydney in 1968. It embodies the physician's oath. Proposition 6 clearly and unambiguously states: I will maintain the utmost respect for human life from the time of conception. That is not a declaration made in the Middle Ages by some ill-educated, unsophisticated surgeon-butcher. Nor is it a declaration made by some hardline conservative doctor. Instead it is a declaration by the pre-eminent world medical body in the latter part of this century.

I ask members to contrast that stance with that of the combined medical lobby in Western Australia which responded to the arrest of Dr Chan in February. Under the signature of Professor D'Arcy Holman, and countersigned by 22 other people, a statement was issued on University of Western Australia letterhead. They labelled themselves as representing "the health industry". In my view that was a damning self-admission. They actually presented themselves as the world weary members of a profession whose views they no longer profess - they were members of a health industry, as though they had no greater obligations to society than that of a motor mechanic or bus driver.

What then of the current debate and its context? By far the principal criticism that has been levelled at me and my colleagues has been about our so-called obstructionist tactics. That is a lie, and deserves to be nailed as such. At no time have we obstructed the process. In all respects we have, yes, sought to slow down the debate and to slow down the procedures of this House. That is the way society gets good legislation, not bad legislation. When this debate began almost three months ago people were told that it was a cut and dried affair, and that a Bill - either the Davenport or the Foss Bill - would pass quickly through the Parliament. People were told that there was overwhelming support for abortion law reform. On 17 March members in this House proposed a series of amendments on behalf of the pro-life coalition, such as the need for two doctors to be involved, a system of counselling for women, a cooling-off period to allow a woman to reflect on her options, and a system of reporting to the Health Department so that accurate records could be kept on the number of abortions performed each year. Every one of those amendments was defeated on that day in this Chamber. They were rejected by the opponents to pro-life who did not want to listen. Yet now, seven weeks later, all those amendments have been re-introduced and most have been passed by this House. That could not have happened had the Bill been quickly disposed of six weeks ago. The process of slowing down the debate has been shown to be a positive factor, not a negative one.

By slowing down a frantic debate the pro-life coalition challenged people on their attitudes. At the start the line was being fed that abortion was a relatively simple procedure for a distressed woman. In the course of the debate the only significant statistic from a comparable country - the United Kingdom - which emerged about the effects of abortion on women was that 87 per cent who had undergone abortions had experienced mental or physical health ramifications. To the extent which I have outlined, the pro-life coalition has successfully altered the course of the debate. We have not sought to prevent all abortions. We have genuinely, and to some extent, successfully, sought to press the point that abortion is not the only course available to distressed women; that is, other options are available and have been shown to be available.

Against that background, I extend my warmest and deepest thanks to all who worked so assiduously in this Chamber, in the other place and in the wider community, to enhance the rights of the unborn. If by doing so, we have helped challenge conventional views and public and popular opinion on abortion, we may have well advanced one small step towards that destination, at which abortion may one day be seen in the context of slavery and genocide. I oppose the Bill.

MRS ROBERTS (Midland) [11.37 am]: There have been two major problems in the debate on abortion legislation in this State Parliament. Firstly, the Government has demonstrated utter incompetence and lack of leadership. This led to two different abortion Bills being debated at the same time in separate Chambers. At the conclusion of debate on the government legislation in this House, the President of the Legislative Council ruled discussion on the Government's Bill out of order and, thus, the government sponsored Foss Bill lapsed. The move infuriated some Liberal members, with rumours abounding about the complicity of some Liberal members in the upper House, and caused frustration because the best part of two weeks had been wasted in the Assembly discussing a Bill destined to go no further.

At that point a new plan was devised. Smarting from negative publicity and poor polling, the Government embarked on a new plan to dissociate itself from its support for abortion. As part of this plan, the Government used its numbers to support a private member's Bill. Bearing in mind that the Government has 37 members among the 57 members of this House, it will never be able to absolve itself of the outcome. This final version of the Bill has the Government's fingerprints all over it. Without strong government support, the Bill would have been thrown out long ago. The Government failed to show leadership and to take charge, and it has failed in its pathetic attempt to dissociate itself from the Bill.

The second major difficulty was the pro-life abortion zealots; zealots unwilling to compromise and holding out for the most liberal abortion laws possible; and zealots who are so extreme in their views that they have steadfastly resisted any limits being placed on abortion at all. They all repeat the same simple mantra: Woman's choice; woman's choice; woman's choice. It is as simple as it is odious because any reasonable person must admit that at some point it becomes more than just the woman's choice. For zealots that point is the moment of birth. Not until the minute of the baby's birth do they regard the killing of a little fully formed person as the taking of a human life. So long as the baby is contained within the mother's body, they regard it as her possession to do with as she pleases. I find this argument wholly unsustainable. How could a just, fair and compassionate society even consider the proposition that up to the full term of a pregnancy, it is just a woman's choice, even if there is no danger to the mother's health? No matter the stage of the pregnancy or that a perfectly formed child may be capable of a sustained life outside the womb, they see no need for cooling-off periods, no compulsion for independent counselling and no need for a second opinion. They repeat the same simple mantra: Woman's choice, woman's choice - her choice whether to seek counselling, her choice whether to wait and take a considered view, her choice whether to obtain a second opinion, and her choice about at what stage to procure the abortion. According to the zealots, it is her choice, no matter her state of distress, no matter the duress that she may be under from her boyfriend or husband, no matter whether she has been informed of her options or of their consequences, and no matter that the decision to terminate is irreversible.

The zealots in this House shout from the rooftops that it is the woman's choice. They strut about and scream that they are outraged that anyone could even suggest that it should be anything other than wholly and solely the woman's choice. The zealots want no checks or balances. They resist propositions that doctors should certify in writing that the woman concerned has been appropriately counselled, or that her life or the life of her child is in medical jeopardy. They want abortion on demand. They claim it is the woman's right. They claim it is the woman's choice. They demand a woman's right to abort at any time, at any place and by any means.

Few people in this debate have actually confronted the issue of when human life begins. In my view, that is the pivotal point, and, oddly enough, that issue is not even mentioned in the Bill. If we fail to define the point at which human life begins, we fail to acknowledge that women carry living children in their wombs even if those children are capable of independent life outside the womb. Surely even those with the hardest of hearts must realise that human life commences at some stage prior to the birth of the child. It follows logically, therefore, that the termination of life inside the womb is just that: The termination of life.

The purpose of this abortion Bill is to legalise the killing of unborn children. What has taken so long in this debate is determining under what conditions this Parliament is prepared to permit women to kill their unborn children. To suggest that abortion is anything different from that is to deny that which is starkly obvious and that which has been obvious for centuries. In earlier times, pregnant women were more often than not described as being with child. Many of us in this House and many in the community are opposed to abortion, because we believe there is clear medical evidence to demonstrate that pregnant women carry living human beings, and that the taking of a human life is wrong.

MR CUNNINGHAM (Girrawheen) [11.43 am]: In opposing the third reading of this Bill, I will relate to this House the outrageous and puerile attempt that Dr Cohen, Director of Gynaecology at King Edward Memorial Hospital for Women, has made to blackmail members of this Parliament. That is a very serious charge. As the member for Kimberley pointed out in the Committee stage last Wednesday evening, Dr Cohen has been attempting to coerce members of this Parliament to pass abortion on demand legislation with the utmost urgency. Dr Cohen attempted those same tactics on 1 May in *The West Australian*, along with our Minister for Health, when he said that the medical staff at King Edward Memorial Hospital would not perform any further abortions, except in life threatening cases, until the law was clarified in Western Australia. According to that report in *The West Australian*, Dr Cohen said, "I've been accused of holding a gun to parliamentarians' heads but they are holding a gun to ours".

Dr Cohen's bully tactics - and they are nothing less than bully tactics - have the most sinister overtones that one can imagine. He appears to be encouraging women who want an abortion to go interstate or to find some other way of aborting their child. Dr Cohen is suggesting that if women cannot afford to go interstate, they may take the desperate step of trying to self-abort, or of going to a backyard abortionist. Any injury that may result from that decision will, no doubt, suit Dr Cohen's propaganda purposes. In effect, Dr Cohen, and the small number of staff at King Edward Memorial Hospital who support him, are using women as sacrificial lambs to the slaughter. Some would even say that Dr Cohen and his cohorts want to make proxy martyrs of all the women whom they profess to want to help. There is no doubt that Dr Cohen and his cohorts are holding a gun at the heads of these women. These vulnerable women are expendable pawns in his ideological war with this Parliament.

We should not kid ourselves: We are at war with people like Dr Cohen. Is this the action of a true medical professional or is this the action of a callous abortionist doctor who is motivated by nothing but self-interest and

financial gain? I suggest that Dr Cohen is a medical professional who has very little sympathy for women with crisis pregnancies. He has no sympathy at all for unborn children. I suggest he does not know the meaning of sympathetic counselling, compassion, or even life.

I place on record my strongest opposition to the evil and vile practice of abortion on demand. I realise that by pointing out the tactics of Dr Cohen, some may conclude that I am suggesting that Dr Cohen should go ahead with his mass program of baby exterminations. Nothing could be further from the truth. I would be delighted if Dr Cohen did stop killing unborn babies. However, I realise that his reason for doing so is not out of any respect for life but to blackmail this Parliament; and for that I condemn him. This pathetic stunt is the ultimate in hypocrisy and cynicism on the part of Dr Cohen and his accomplices.

Dr Cohen's hypocrisy is all the more evident in the light of the illegal moratorium granted to him by the pro-abortion Attorney General, Peter Foss, and confirmed by the Premier on Monday morning on Radio 6PR. In yesterday's *The West Australian*, Dr Cohen wrote that 10 weeks ago, he and his pro-abortion team were "assured by the Attorney General that we should continue to provide this service in the knowledge that we would not be prosecuted and that the police would not act on complaints by members of the right to life organisations." Dr Cohen knows full well that he will never be prosecuted for breaking the law and killing defenceless unborn babies.

There can be no other interpretation of his tactics than that they are intended to intimidate every member of this Parliament. We in this Parliament are being used as pawns in Dr Cohen's game. Let us not kid ourselves: He is cunning enough to know nobody at King Edward Memorial Hospital is at any risk whatsoever of prosecution unless that person does something totally over the top, such as sending a woman home with her dead baby so that it can be stored in her refrigerator, or aborting third trimester babies.

If Dr Cohen were honest on this issue, he would admit that the police acted in the current case before the court only because they received complaints and evidence they simply could not ignore. There is no confusion in the existing law. Dr Cohen and others claim the Parliament must clarify the situation about abortion. It is perfectly clear: Doctors are not permitted to kill unborn babies unless the life of the mother is at risk. However, Cohen has been killing unborn babies for many years, not when the life of the mother was at risk, but because the babies have been less than perfect, and because he has been associated with a small group of people who have gone out of their way to make zero population one of his ideals.

Over many years the pro-life movement has lodged many complaints about abortions at King Edward Memorial Hospital but, alas, nobody at all has been prosecuted. Dr Cohen has gotten away with extermination for years, knowing quite well that no-one will ever stop him. There is no doubt in my mind and those of the pro-life members of this Parliament that Dr Cohen and his abortionist cohorts know that what they do, in exterminating the unborn, is a criminal act in law, even though they will never be prosecuted. Their agenda is to badger, intimidate and blackmail the members of this House, in the vain hope that we will clean up their murderous image. They are demanding that we give an air of respectability to their criminal acts. They want to bully us into participating, through legislation, in their extermination of the unborn.

I point out to members that it has been suggested by many pro-life members of this Parliament that Dr Cohen's tactics come dangerously close to violating section 61(2) of the Western Australia Criminal Code, which states -

Attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a member of either House of Parliament in his vote, opinion, judgment, or action upon any such question or matter . . . is guilty of a crime, and is liable to imprisonment of 7 years.

I do not say this lightly. I also draw the attention of members to the fraudulent tactics - that is all they are - of the Zera abortion facility in Midland. The abortion profiteers at this facility have subjected this Parliament to a fraudulent attempt to pressure it to decide this grave matter hastily. *The West Australian* has also been played for a sucker in this fraudulent campaign. Last week it was caught out and refused to publish the truth. On Friday 1 May, an article in *The West Australian* stated -

Midland's Zera Medical Centre will . . . not accept new patients from today.

This claim is utterly and totally false. Yet *The West Australian* repeated it on 2 May, and again on 4 May. The truth is that the Zera facility has continued to take many appointments on the telephone on the usual conditions: No cheques; a payment of \$250 in cash only; no reason needed; and at any stage of pregnancy up to and including 16 weeks.

The Family Planning Association of WA, which receives significant government funding, is also playing its part in this total fraud. On one hand it says publicly that women will be forced to fly east to get abortions. On the other hand, it is telling telephone inquirers, and there have been many, that the two clinics are still performing abortions

in "some circumstances" and, not surprisingly, those circumstances turn out to be those that have always been in place.

I repeat: Section 61(2) of the Criminal Code imposes a liability for seven years' imprisonment on any person who attempts, directly or indirectly, by fraud to influence a member of either House of Parliament in his opinion, judgment or action, upon any question or any matter. The Zera no abortion fraud should be investigated not only by this Parliament, but also by the Western Australian police.

I return to the matter of the doctor and his threats. It is no coincidence that no-one has heard one caring murmur from the sisterhood, the members of which have been here for the past three months, and who profess concern for their fellow women. Not one has criticised the ban of Dr Cohen and his staff at King Edward Memorial Hospital - not one. If I were a cynical person, I could suggest that they see crude political advantage in what Dr Cohen is doing; or worse still, they are accomplices in his actions. No doubt, this is why we are not hearing any howls of outrage from them, in their misguided view, even though Dr Cohen is imposing extra suffering on women who otherwise would be King Edward Memorial Hospital patients. Members of this sisterhood would naturally be happy to add some martyrs to their cause, even if those martyrs did not have a choice in this matter. Dr Cohen and the sisterhood have ruthlessly and disgracefully played with the emotions, the traumas and the lives of women they profess to help. The sisterhood, Dr Cohen and his accomplices stand condemned by the public of Western Australia.

Cohen and his accomplices were not really unhappy at all about the two prosecutions of the abortion doctors. In fact, I think they were absolutely delighted that the police unwittingly played into their hands and gave them the trigger they had wanted for many years for such crude legislation - its only description - in the form of the Hon Cheryl Davenport Bill to come before Parliament.

The law of the land at any given time is very much a measure of the state of our civilisation. Naturally, if we have good laws which enhance the lives of all our citizens, especially the most defenceless - the unborn - we can be thankful and proud to live in an advanced state or civilisation. However, if we have evil, draconian and bad laws, they will forever reflect on the sick and poor shape of our society. There is no shadow of doubt in my mind that a new low has been reached in this debate by a doctor who forgot what happened in Hitler's Germany many years ago. The people of Western Australia have more respect for human life than does the doctor who is eager to terminate healthy unborn children.

Undoubtedly, Cohen and his abortionist cronies want us to legislate to decriminalise their insidious and every day vile actions by having this abortion on demand law passed at its third reading. As a Parliament, we can enact legislation; however, we cannot turn night into day, we cannot turn black into white, we cannot pretend that illegal is legal, or that immoral is moral. We cannot pretend that abortion is anything other than killing an innocent child; we cannot pretend that a dead child is not a dead child; we cannot pretend that an abortionist doctor does not kill a human life - he simply does. No matter how high their status, our doctors, with their medical degrees, white coats and stethoscopes hanging around their necks, are not necessarily people to whom we can look for moral guidance. Some of them have repeatedly shown themselves to be untrustworthy in matters of life and death.

As members of Parliament, we have a daunting role to regain the moral courage and leadership which has built this State into the finest in Australia. This evil legislation must be defeated in its third reading. Many of us here - at least 25 of us voted that way last night - are up to that challenge.

On a positive note, I am proud to be associated with many fine, upstanding members of both sides of this House. Three months ago I did not dream that we could talk to each other about the preservation of life as we have done. I have been a member of the Australian Labor Party for 42 or 43 years, and never in that time have I discussed with an opposing political force something decent that we cherish - namely, the preservation of life.

I am very proud of a dear friend, the member for Midland, who has been abused by the pro-abortionists over many months. She has stood very strong. She is a great credit to not only Parliament, but also the State of Western Australia and, naturally, the Australian Labor Party. I also thank my very good friend the member for Nollamara who has also been a great tower of strength. I thank my colleagues in the upper House, Hon Tom Stephens, Hon Ed Dermer and Hon Nick Griffiths, as they have been a great inspiration. I also thank two wonderful church leaders for their assistance; namely, Pastor Dwight Randall from the Church of Christ, and Pastor Andrew Lansdown from the Baptist Church. I feel humble and appreciative to have such good friends and colleagues.

MR OSBORNE (Bunbury) [12.07 pm]: It is a coincidence that you are currently in the Chair, Madam Acting Speaker (Ms McHale), as you occupied that position when I first spoke to the so-called Foss Bill. I commend all members of this House who have spoken and acted with integrity, honesty and dignity through a very difficult time for us all. One positive we can share from this process is that Parliament has worked through a very difficult issue in a most unusual set of circumstances. Most often in this State and other jurisdictions, social policy is left for

determination by the bureaucracy or the policy making organs of political parties, and it falls to Parliament to make minor changes at the end of the process. We have been privileged to be involved in what is a unique event in a parliamentary career; that is, Parliament has worked through a long and difficult process and developed social policy for the people of Western Australia. On balance, although we all experienced some trauma, difficulty and heartbreak, it was done well.

As I stood always for the pro-choice side of the argument, I commend my colleagues, particularly on this side of the House, who supported pro-choice. If their experience was similar to mine, they have withstood many weeks of personal abuse and name calling. Nevertheless, they returned to this place and stood firm by their principles. I have been accused of lying to the media, misleading the Parliament and being ignorant, dumb and a total discredit to the people and Parliament of Western Australia. That personal name calling does not worry me. We all face that political challenge. The people of Western Australia have wanted and needed legal reform in abortion law, and the people of Western Australia will applaud Parliament's decision.

I now remind members how this situation arose, and will reflect on our journey over the last month or so. As everyone here knows, in the past 20 to 25 years the law in Western Australia has been ignored. In recent years approximately 9 000 to 10 000 terminations a year have been performed in Western Australia. As legislators it was impossible for us to ignore that reality, particularly after it had been thrown in our face. It was thrown to us to respond to and we had to do that. As a Parliament two courses of action were open to us: We either had to enforce the law as it stood or change it and bring it into line with current practice. The first course - that is, enforcing the law - was clearly impossible. Based on the fact that 9 000 to 10 000 abortions occur every year and, as the American experience suggests, perhaps 40 per cent of those are repeat terminations, calculated over 20 or 25 years, approximately 100 000 to 150 000 Western Australian women should have been or should be in gaol for seven years. In that light hundreds and possibly thousands of doctors and nurses should also have been or should be in gaol for up to 14 years.

Clearly, as a Parliament we would not enforce that law. That means that approximately one in five or one in four Western Australian women with whom we deal and to whom we talk in our daily lives are people we should be considering putting in gaol. Do members really think that is a law we would enforce? This country is not a theocracy like Saudi Arabia, for example, in which laws are enforced from the pulpit by mullahs who are out of touch with people's ordinary lives. Nor is it a military dictatorship in which laws are enforced at the point of a gun. It is a parliamentary democracy. Although the Government is elected at a general election it can govern effectively only with the consent of the people. I am convinced that if we had attempted to enforce the law as it stood we would not have enjoyed the consent of the people of Western Australia.

That left us with the alternative we rightfully took, not simply from the point of view of enforceability but also because it was the right thing to do; that is, change the law and bring it into accord with current practice in Western Australia. That is the practice that the people of Western Australia have told us, by their actions and acquiescence to the status quo, they want us to produce. This Parliament has done that.

I commend all members. I am proud of the fact that I have been a member of a Parliament that has produced a change in the law that the people of Western Australia want and need. People who are strongly against abortion will remain unhappy with that. However, they must accept that this is the way things are done in this country. This Parliament has gone through a proper and democratic process and made a law which I think should be respected by the people of Western Australia. The secular authority of this Parliament, which is representative of the will of the people of Western Australia, should also be respected by the people who are upset with the outcome of this Parliament.

I am proud of the fact that my mother's family arrived in this State on 31 March 1830 and my father's family arrived on 1 April 1850 from Bicton in Devon and St Austell in Cornwall respectively. They wanted to establish a new, free, democratic and secular country. I am proud to be a parliamentary representative today in the country they left Europe to establish. I am also proud that this Parliament has produced a law for the people of Western Australia whom I and all of us represent.

In conclusion, it has been a difficult time for us all, but we can lift up our heads and say that we have done the right thing. Had we not produced an outcome for the people of Western Australia, which I remind members is wanted by the vast majority of Western Australians, they would rightfully have been able to say this Parliament was an irrelevance and that this State might just as well be run by the bureaucracy, the media or Canberra. Now we can go back to the people of Western Australia and say that we have produced a legislative outcome and have proved ourselves to be relevant by doing that. No-one on the pro-choice side of this debate ever said they were comfortable about this issue. We never denied that abortion was a bloody and traumatic business. However, at the end of the day, I and members on this side of the debate asked ourselves: Where does the responsibility for this decision lie? It lies clearly, not with the State or the Parliament, but with the individual. I am entirely comfortable with the fact that this

Parliament has put that responsibility exactly where it lies. The individual is then able to take responsibility for her actions in this life and, if it exists, in the life hereafter. That is where the responsibility should lie.

Several members: Hear, hear!

MR GRAHAM (Pilbara) [12.15 pm]: I concur with the wise and diplomatic speech of my good friend, the member for Bunbury. He has encapsulated in a fairly short speech many of the things that needed to be said in this Parliament, for which I congratulate him. I also share his pride in making and being part of the decision. Even those people who do not agree with it should have some pride in the decision. It is a decision of which Western Australians should be proud.

Before I get into the thrust of my speech I will refer to a point made by the member for Girrawheen about the behaviour of the King Edward Memorial Hospital's Dr Cohen. I do not know him, I have never met him and probably never will.

Several members interjected.

Mr GRAHAM: I may; but I have not met him to date. I have no desire to meet him for no other reason than he is just another doctor. I bear him no ill will or disfavour. He was accused unfairly of blackmailing and of being at war with this Parliament. He is not and nor is this Parliament at war with anyone. He was accused of breaching the Criminal Code by pressuring members of Parliament to change their vote. He was not guilty of breaching the Criminal Code. If he was, he was guilty to the same extent as everybody who writes a letter to a member of Parliament or who lobbies a member of Parliament to take their chosen course of action every day of the week.

I refer to the issues to which people take great offence. First, Dr Cohen said that he and his staff will no longer perform abortions at King Edward Memorial Hospital and the law in this State as it is written will be enforced. It is absurd for members of Parliament to go crook in here at a doctor for abiding by the law, irrespective of whether they think it is right or wrong. They should not criticise a medical practitioner for abiding by the law, particularly when it is the law those people wish to retain. It is utter nonsense.

I said that wealthy people in every country have always used their wealth when confronted with unwanted pregnancies in their families. They have always taken the pregnant woman out of the jurisdiction in which they could not get an abortion to one in which they could. They have done that since Roman times and they continue to do it today. The moderately wealthy will go interstate to have what is a legal procedure in every other State in the country. I said then and I stand by it now - I am at odds with the Deputy Prime Minister, who came to this State and said that these things should not happen - that State and Federal Governments have no right and will never have the right to restrict people travelling into this State for any purpose. It is a free country, people have the right to travel unfettered by authorities and they should retain that right. It is nonsense to suggest otherwise.

I am not in the habit of quoting myself, and I do so only because Dr Cohen was accused by the member for Girrawheen of doing and saying all things that I have advocated or said. I am not asking for vision or foresight, but these are the obvious and concerning points that arise when one attempts to restrict abortion laws. I also said - in this I agree with Dr Cohen - that doctors would be crazy to continue performing abortions under the current law in this State and expect not to be prosecuted, notwithstanding the amnesty granted by the Attorney General. Attorneys General should not do that, irrespective of the issue or whether I agree - that is the role of courts.

I do not agree with the member for Girrawheen, but I do not belittle his views and I understand his religious beliefs and strong convictions -

Mr Cunningham: Use the word "morals".

Mr GRAHAM: Nor do I agree with the member's moral views. However, I cannot accept the comment that Dr Cohen is at war with this Parliament - he is not - nor is it at war with anyone else. If I am wrong and we are at war with him, I have never been asked to vote on the issue. If a motion is put that we declare war on the medical profession, I will not support it. We should not be at war with anyone in this community.

This debate started with dignity and clear differences in the views of individual members of Parliament and blocks of members of Parliament, but there was no party position - all the parties allowed their members to make up their own minds. Some members of Parliament found that extraordinarily difficult, not because of the issue but because for some it was the first time they had had the shield of party anonymity and cabinet and caucus room solidarity swept away. They had to make a public decision and be held accountable for it. I am encouraged by that. We will see more of that in this place over time.

As the first part of the debate brought out all that is good in this Parliament, the longer it went on and the more the pressure was applied, the more we saw the worst side of it. Some of the personal abuse hurled across the Chamber

was extraordinary. We have heard it again today. Members were called zealots and bigots, not in a lighthearted way, but in a hurtful and spiteful way. Members called other members exterminators and child killers. One member stated that members on this side simply wanted to protect the child butchers. I will single out the member for Wanneroo for what he said because I was very offended by it. His saying that I am a child killer is not only personally offensive, it is also offensive to the standards of this place. In my case it is also incorrect. Notwithstanding the fact that I believe very strongly in the choice argument, I am not a child killer; I have never killed a child in my life and I will never be party to it. The member made a very distasteful comment that I will sort out with him at another time.

Some members have taken very little part in this debate, not because of any lack of conviction in respect of the views we hold or because our views are subordinate to those of others, but simply because we believe that Parliament's objectives in changing the law will not be achieved by everyone standing up and saying the same things. I am one of those members and I have restricted my contributions. However, I would not want any of those to whom I will write and send copies of this speech to think that mine has been other than total support for what has become known as the pro-choice argument. I said at the outset of the debate that that is my belief and any cursory check of the record will show that I have voted in that way on every occasion, and I am proud of that.

I will deal with some of the issues that have been raised in the rhetoric I have heard and correspondence I have received. The first point that must be made is that I am not aware of any vote in either House of Parliament to maintain the status quo or to tighten the abortion laws. That argument has not been successful. I do not say that to rub people's noses in it, but to make the point that there is no doubt in my mind that the people of Western Australia want the laws changed, and I agree with them. The laws are not what people thought they were.

The member for Bunbury was right in saying that the Government can only govern with consent. In this case I do not refer to the Court Government but to the system of government. It would be both impractical and impossible to enforce the sorts of laws that some people want introduced in this State. The citizens of this State do not want them and they are unworkable. It is a fundamental principle of democracy that Parliaments should not pass laws that fall into either of those categories, let alone both.

I will address myself to the allegations made by the member for South Perth and others in this place and in the correspondence and nearly all the Right to Life publications that have been sent to my office which have made comparisons between the laws we have debated and Nazi Germany and slavery. I reject that argument in its entirety - it is nonsensical. One could spend hours going through the fine points of the differences, but I do not intend to do that. To compare the actions of Adolph Hitler and Nazi Germany to a democratically elected Parliament giving its citizens freedom of choice shows an extreme ignorance of the processes of government.

During the record time spent on debate, not one member in either House has suggested, implied or argued that there could be any degree of compulsion by the State for someone to have an abortion. That aspect has never been raised. If it were raised, I and every other normal thinking person in a democratically elected Parliament, would reject it. That is not the way that we run our system. That is a direct contradiction of the Hitler-Germany picture. It is absolute nonsense. There is no comparison.

The same line was argued on slavery. That is, slavery was institutionalised and run for commercial purposes, and the argument was that we are doing the same thing because we are allowing people a choice on abortion. I reject that argument on exactly the same grounds. I agree with the member for Midland. I was very surprised during the second reading debate on each Bill that we did not debate the notion of when life begins. Most speakers skipped over that aspect. It was never a serious part of debate, because the two major views are irreconcilable. I do not seek to impose on other people my view of when life begins, and I do not expect other people to impose on us their view of when life begins. The simple and fundamental principle is tolerance and freedom; and it is a hard concept to get across to people with closed minds.

I have received many letters in this regard. I have replied to every individual who has written to me and provided copies of my speech. I will do so again. When I entered Parliament I adopted the general policy of answering correspondence - as best I can. I do not deal with nor respond to anonymous junk mail, even though it may be circulated on an organisation's letterhead.

To the people who have phoned to tell me that I do not understand what I have done - because I have voted in support of change to the abortion laws in this State - I say that I do understand very well what I have done. Those people do not agree with what I have done - that is a different position and a different argument. I do not agree with their view of the world and they do not agree with mine. However, it is incorrect for people to say that because I do not agree with them I do not understand the issues.

Many people have said to me that we are removing rights, and to a degree that is true; but - and there is always a but - much time is spent in this and other Parliaments and Legislatures around the world balancing rights. One could argue

that that is one of our major functions. Rights are not absolute. Each person's rights affect another person's rights. Our job as legislators is to balance those rights in a way that allows for a tolerant, open and fair society. The laws that we are about to pass will do exactly that.

In my contribution to the second reading debate, I said that people could change my mind on some matters. On many issues, I was open to approach. One of the reasons I ceased to be open to approach was the rhetoric used. For instance, members referred to a foetus as a "little baby". They are different things. They are demonstrably different notions, either in common language or in medical terms. Abortions were referred to as murder - again two very different acts, in the letter of the law or common usage around the world. Members have suggested that people have killed little babies when they have conducted a legal and legitimate abortion. They have called an abortion clinic an extermination centre, and so on. We all heard it. I was prepared to change my position on some matters but that type of language made me unwilling.

The changes we have agreed to will result in good law. We have achieved some compromise along the way. The middle ground has been found on many issues. The aims of people who wanted to slow down the process and make it more difficult have been achieved. However, they have not been achieved by restricting unduly the ability of people to abort unwanted pregnancies for the reasons outlined in the Bill. No-one has ever been able to prevent unwanted pregnancies; this legislation will not do that. However, there was a need for a mechanism to deal with those situations, and we have met that need.

I finish with a little anecdote about a lovely old lady in her nineties. She said, "Laz, you are not going to let those people put the world back the way it was when I was a young girl, are you?" I said, "What do you mean?" She said that we should not return to the days when pregnant women sat in acid salt baths or mutilated themselves to remove an unwanted pregnancy. I am proud to say we will not allow that to happen.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [12.38 pm]: We have heard many powerful dissertations in this Parliament in the past few weeks, together with some tedious repetition which contravened our standing orders. I have tried to limit my comments and, at the risk of repeating myself and being accused of the very thing I have just mentioned, I refer to my remarks during the second reading debate on the Foss Bill when I said -

The law as it stands allows abortion in cases of a mother's life being at risk, and I can accept such a law. I do so not because I believe it is the right course of action, but I accept that society is not really in a position to prosecute someone who has failed to live up to that principle.

In summary, there is no rational basis for a law which allows the killing of an infant baby in the womb. If ever we have such a law, it will be because we have defied reason and love in order to wilfully demand the right to do what is seriously, fundamentally and irrevocably wrong. If we as a Parliament surrender to such a demand, we will have surrendered our authority to make any law - I will never participate in such a surrender.

I stand by those remarks. This is a law of convenience.

No matter what one's view is - whether one believes the Parliament has acted according to its rules, and every member has tried to make a genuine contribution - in the end members cannot sanction the taking of an innocent life in a mother's womb. To suggest that that should be allowed to happen defies reason. I have been identified with the pro-life coalition and I commend those members, particularly Hon Phillip Pental, who was ill last week, but continued to put the point of view that I supported. Members debated this issue ad nauseam, particularly when the gallery was full. It reminded me of a pack of performing seals and everybody wanting to outperform the person who had previously spoken and have the last say. As Hon Kevin Minson mentioned, most people had made up their minds on these issues. The question remains - and the member for Pilbara mentioned it - of when life begins. Does it begin at conception? The Human Reproductive Technology Act says life does begin at conception. I have no doubt that it does. If one starts from the premise that one does not believe that fact, one is able to pitch one's argument in whichever direction one wants to go. However, if one starts from the premise that life does begin at conception, one is dealing with a very serious matter.

The law in this State protects the life of the mother. The fact that that law has never been policed allows abortion on demand. One must ask the question: If it were to be policed, would we have the same number of abortions that we have today? The greatest blessing that can be bestowed on a woman is to conceive and give birth to a child. There are many women in this country who have been trying to conceive a child for years. Everybody who has experienced a birth must agree that the joy and celebrations associated with a birth are imprinted on everyone's mind. That joy certainly is imprinted on mine - from the children that my wife and I have had and the children of my brothers and sisters. Members present, and those people who are listening to this debate, must agree that the birth of a child is cause for great celebration. I could not imagine that an abortion would bring any joy to any person. It

would bring only pain and guilt to all who are concerned, no matter who they are - the doctors, the nurses, the mother, the father or anyone else concerned. I suppose the die is cast and, regardless of how eloquent is the speech, in the end I will lose this debate.

What has been put in place is the most liberal law in the nation. Western Australia has gone from a law that allowed abortion in the case of the ill health of the mother, to virtually the most liberal that one will find, and one can work around those amendments that have been passed. What grieves me is that the only offence in the legislation provides that a medical practitioner who unlawfully performs an abortion commits an offence for which the penalty is \$50 000. Even those members who promoted this legislation agree that that is so.

Section 4(1) of the Prevention of Cruelty to Animals Act, which is currently being reviewed, states -

It shall be an offence against this Act for any person to -

- (a) ill-treat or cause or procure to be ill-treated or be a party to ill-treating any animal . . .
- (f) needlessly slaughter, or cause to be slaughtered, or needlessly mutilate any animal or subject such animal to unnecessary pain or suffering . . .
- (j) administer poison to any animal, or to expose any poisonous substance with the intent that the same shall be taken or swallowed by any animal, or to administer, except for medicinal purposes, . . .

The act of abortion using the saline method burns the baby, by injecting a poisonous substance into a person. The act of abortion beyond 16 weeks, I understand, is known as brain evacuation. I am not a doctor and do not know very much about these things. That procedure entails crushing the skull of the live baby in the womb, sucking the brain out of that foetus and then dismembering that foetus or baby - foetus, baby, same thing - to destroy that baby. I will give the comparison: The penalties for an offence of cruelty to an animal - and this is contained in the 1920 legislation that was reviewed in 1987 - is \$5 000 or 12 months in prison. Under the proposed legislation, it will be \$10 000 or two years in prison; for bodies corporate it is five times more, in both financial and prison terms.

In this abomination of an Act of Parliament, which it will become once it is third read and passed through the Legislative Council, is a penalty of \$50 000 with no associated prison term. In most cases, penalties of a substantial sum of money involve a gaol term. This is an absolutely bizarre situation in which a human being is killed and it is called an ordinary offence. If a person is cruel to an animal, he is put in gaol. If a person wrings the neck of a rabbit, he is put in gaol. However, a person can kill a human being and not go to gaol. I find that incongruous. I did not become too involved in the debate for the reason that I do get emotional and angry about these issues.

Members have one last chance to stop this legislation by voting against it at the third reading stage and looking at this situation again, as I mentioned during the second reading debate of the Davenport Bill. I will not go into whether it is the feminist group or the sisterhood or other things that members have mentioned, but it destroys me to think that members are seeking to impose probably the greatest attack on the fabric of our society that has been perpetrated for many a long day. If we continue to erode the standards in our society, heaven help the people who will still be living in the next decade and beyond; that is really what concerns me. I am in this Parliament to protect the future of my children, as well as make a contribution to this State. It devastates me to see that members will allow this legislation. I urge members to oppose the Bill.

MR BAKER (Joondalup) [12.49 pm]: I seek leave to continue my remarks at a later stage.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 2526.]

KALGOORLIE CENTRAL PRIMARY SCHOOL

Statement by Member for Kalgoorlie

MS ANWYL (Kalgoorlie) [12.50 pm]: I draw to the attention of the House the predicament facing the oldest primary school in Kalgoorlie-Boulder. I am pleased to see the Minister for Education present in the House as he knows there is an open invitation for him to attend Kalgoorlie Central Primary School with me. I would like to show the Minister that there is no grassed area at this primary school. Notwithstanding the fact the school has been in Kalgoorlie for 102 years, it does not have a grassed area at present. Children are required to walk several blocks to the Sir Richard Moore Oval to do their physical education classes. Unfortunately, that takes up a lot of time and the children do not have access to the full physical education that people expect. I am told by those at the school that

children regularly seek first aid treatment at recess and lunchtime because of minor injuries sustained on the gravel they play on. Water restrictions have now been lifted in Kalgoorlie-Boulder and at a cost of \$15 000 to \$20 000 it would be possible to establish a large grassed area at Kalgoorlie Central Primary School if the support of the parents and citizens association was enlisted. This support has been kindly offered. It is the very least that these children deserve. I hope the Minister for Education can look into this matter and report back to the House on whether this small amount can be provided in the next round of funding allocations for the purpose of a grassed area.

GERALDTON CRAYFISHING INDUSTRY

Statement by Member for Geraldton

MR BLOFFWITCH (Geraldton) [12.51 pm]: I bring to the attention of the House changes in the lobster or crayfishing industry in Geraldton. Until last year, prices of \$26 and \$28 a kilo have been quite common. This year the industry is battling to get \$17 or \$18 a kilo. There has been a major change in the attitude of the Asian markets to the size of crayfish. Previously, the A's or the just over legal size lobsters were by far the most popular. In the last six months that attitude has changed. The market now prefers the larger banquet style of lobster. This has caused the smaller lobster price to crash and the price of larger lobsters to rocket. People are now paying \$32-\$34 a kilo for a large lobster and \$17 or \$18 for a smaller one. One does not have to be a rocket scientist to realise that marking techniques have to change. I believe it is time the industry was reviewed. The gauge needs to be raised substantially so that only the larger crays are being caught to get the better price. The smaller ones should be given the next two or three years to build their stock levels to a stage at which they can be caught. This will require fisheries regulations and I urge the Minister to address the issue.

POINT SAMSON FISHERY

Statement by Member for Burrup

MR RIEBELING (Burrup) [12.53 pm]: I bring to the attention of the Minister for Fisheries concerns about what has been happening to the fish stocks in my area. As the Minister knows, a very successful fishery is based at Point Samson. I have been advised that, unfortunately, the trawl fishing part of that fishery is too successful. In the past five years of the operation of this fishery, the value of the catch has been maintained only by larger volumes of smaller fish being caught. The long term viability of this fishery is now being questioned seriously. On behalf of the recreational fishing people in my area, I hope the Minister will look seriously at the viability of trawling in the area and at the impact of wet liners instead of allowing trawling. The wet liners are non-interventionist.

Mr Bloffwitch: They do not clear the bottom.

Mr RIEBELING: A lot more people would be employed in the industry if there was an expansion of wet lining licences and a reduction in the trawlers that are wiping out the fish stocks for recreational and commercial fishermen.

FORRESTDALE TRAIL

Statement by Member for Southern River

MRS HOLMES (Southern River) [12.54 pm]: At the invitation of the Friends of Forrestdale, I recently had the privilege of opening the Forrestdale trail. This trail traverses the beautiful Forrestdale Lake which attracts a large variety of birds during the winter months. This trail was built at the instigation of the Friends of Forrestdale in collaboration with the City of Armadale, the Forrestdale community association and Cleanaway. It has been recognised as a benchmark of what can be achieved with collaboration between the community, local government and the private sector. The community now has the ability to traverse the lake and enjoy its beautiful environment. Due to a shortage of funds, the trail now deviates along the main road and then comes back onto the lake. In order to alleviate this situation, consideration is now being given to extending the trail. The idea is to extend it to encompass the Forrestdale Primary School which is close to the lake. This would enable the children of Forrestdale Primary to use the trail in safety. I will be supporting the Friends of Forrestdale and the community in the proposed extension to the trail which is supported by Trails West. I take this opportunity to congratulate all of those involved in this excellent initiative for the community.

STATE ASSISTANCE TO INDUSTRY

Statement by Member for Pilbara

MR GRAHAM (Pilbara) [12.56 pm]: The Western Australian Public Accounts and Expenditure Review Committee brought down a report on state assistance to industry in October 1996. That report contained a recommendation that -

If, as a result of the terms of any State Agreement, a local authority suffers a revenue loss, or is required to forgo income, the State should give consideration to compensating that local authority.

The Government supported that recommendation in its response to the report. Therefore, I was surprised by the answers I received to questions I put on notice to the Government seeking information on how a local authority should try to obtain compensation if it found itself in that position. The responses from the Minister responsible for this area make the point that there is no compensation, no budget for compensation and no mechanism or means by which a local authority can seek compensation. I will be seeking from the Government details of its position on this issue that causes great distress to local government authorities in the mining region, who find that agreement Acts have removed their ability to fully rate premises contained within their shire boundaries.

COMMERCIAL PLANNING DECISIONS

Statement by Member for Joondalup

MR BAKER (Joondalup) [12.58 pm]: I raise with this House my concerns about the need to amend the Town Planning and Development Act to enable local governments in their town planning schemes to take into account matters touching upon commercial viability in making planning decisions on commercial developments. A somewhat absurd situation exists in my electorate at present in which there are service stations almost every 500 metres and new shopping centres springing up almost on a monthly basis. I know it is often said that commerciality should have no bearing, influence or role in an adjudication involving planning issues. However, it is interesting to note how that is the case in Canberra. In Canberra, the equivalent of the Western Australian Town Planning and Development Act is controlled by the Australian Capital Territory Government. Under that Act, pursuant to the scheme which has been implemented, the Government can determine which types of businesses can locate in which zones or areas. Without referring directly to commerciality, the scheme allows for matters of commercial viability to be taken indirectly into account when various planning applications are adjudicated on. This is particularly relevant in Joondalup at the moment because of a proposal to develop a new cinema complex 1 000 metres down the road from the existing Joondalup cinema complex.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

PUBLIC SECTOR MANAGEMENT (REVIEW PROCEDURES) REGULATIONS

Council's Message

Message from the Council received and read seeking concurrence in the motion to amend the Public Sector Management (Review Procedures) Regulations.

ACTS AMENDMENT (ABORTION) BILL

Third Reading

Resumed from an earlier stage of the sitting.

MR BAKER (Joondalup) [2.40 pm]: As I stated during the third reading debate on the Foss Bill, the central issue in this debate is when does human life begin or when does human life exist. Surely this is and must be at the very core of any informed debate on this issue. The pro-choice lobby clearly believes that human life begins at the moment of birth or a short time later when the umbilical cord is severed from a child's body. They would argue that before that point in time the child, born or unborn, has no legal rights, no legal status, and no legal entity and is merely a parasite whose continued existence can be brought to an end at the election, choice or option of the child's mother to the exclusion of all others, including the father of the child and, of course, the child.

In effect, this reasoning gives the mother of an unborn child or of a child whose umbilical cord has not yet been severed, the right to determine when and if a child becomes a human being and hence when that child is entitled to all the human rights that go hand in hand with humanity. This argument is totally ludicrous. I can think of no other facet of human existence today where the exercise of one's human rights are lawfully controlled or determined by the wishes, whims or convenience of another human being. However, this is something that is very easy for adult human beings to have control over. Is there no-one who will be a voice for the unborn child? The unborn child cannot speak and it cannot readily be seen without the aid of science. The unborn child's status, legal or otherwise, is controlled or determined solely by another human being, more powerful, more dominant and more articulate. We are shortly to enshrine this dominant status in the laws of this State. I say again that the true central issue in this debate is when human life begins or when human life exists.

It follows that the next issue that must be dealt with logically is how should the law resolve competing interests or conflicts between the child's desire or right to live and the mother's desire, for whatever reason, to terminate that right. The resolution of all competing interests usually requires a measured and delicate balancing of competing rights,

relying upon the principles of equity, fairness and justice. In this debate the Davenport Bill even as amended has beyond any doubt placed the mother's desires ahead of the rights of the child from the time of conception all the way through to that point in time when the child's umbilical cord is severed. The Bill does not even attempt or pretend to begin to balance the competing interests to which I referred earlier. The scales of justice mirrored by the Davenport Bill are not balanced; quite the contrary, they are tilted in favour of the more dominant, more powerful human being. The Davenport Bill simply confirms that might is right and that on this planet only the fittest and the strongest will win in any dispute, conflict or debate.

The Davenport Bill gives no legal status at all to the unborn child. As with the way in which the law in some areas seeks to reconcile competing interests in respect of the ownership of land, the Davenport Bill adopts a very simple principle; that is, the first in time prevails regardless.

I cannot support the Davenport Bill even in its current amended state. It is lopsided, myopic and unjust and represents a total abdication of our fundamental duty as parliamentarians to protect all human life ahead of all other forms of life on this planet. The Davenport Bill in effect gives the unborn child the status of a severable chattel, an item of property, an inanimate thing and something that we as humans can control for reasons of convenience rather than necessity simply because we are more dominant and more powerful and in a better position to enforce our fundamental human right - the right to a continued existence in this world.

In summary, I and my fellow members of the broader pro-life coalition would have gained more concessions when debating this Bill and hence achieve a more balanced Bill if we had pretended, just for the sake of satisfying the interests and the views of the pro-choice lobby, that the unborn child was in fact an animal or a young tree. It seems that the majority view of the members of this Chamber is that the unborn child is of a lower order than trees or animals and human life itself.

MR BRIDGE (Kimberley) [2.46 pm]: I will use the very commonly used expression in this place - I will be very brief. If in 30 minutes down the track I am still talking, that would still be described as brief.

This debate has brought back to me memories of events in the 18 years of my political career when I have seen what I might term the less fortunate underdogs and their interests being overridden by factors which this Parliament felt appropriate and proper and should have priority and preference. I refer to the issues to do with Aboriginal interests when we had to debate the question of native title a year or so ago. There was no way that this place could bring itself to realise the existence of those rights. It opted for a Bill that referred to a range of measures that were irrelevant and improper in terms of the substance of the debate. The result was that we were significantly defeated by the Government in its determination to ensure that any legislation that gave any regard to the Mabo challenge and the High Court determination would not find its way into the Statutes. It could be said that that occurred because the central feature of that debate was the Aboriginal people's integrity on land issues.

In the past month much the same thing has happened. The core of this abortion debate should have involved our painstaking efforts to ensure that the protection of the unborn child was paramount. No matter how much we argued about convenience and the need for change to accommodate elements of our society, the protection of the unborn child should always have been the overriding factor in the debate. We should have focused on accommodating that central issue as best we could, having regard for the human factor that is enshrined within it. What has happened is quite the opposite. The importance of protecting the unborn child has been rejected in this legislation. The debate has focused on the importance of the rights of women and of the medical profession and associated individuals. That is the final outcome of this legislation. In the years to come, Mr Speaker, history will judge this Parliament and the legislative outcome of this debate and will reflect upon the people who made it possible. We will not have to go out into the public arena and bleat that theme. History will record where this place stood on the abortion issue and the integrity of the members of this place who supported the legislation.

I am not angry or embittered as I am comfortable with where I sat during this debate. My wife told me that I have nothing to be concerned about as I played my cards straight at all times according to my conscience. I have a contentment regarding the issue. However, I feel sadness because Parliament moved far away from its duty as a law maker in respect of the fundamental factor in the legislation; namely, the preservation and rights of the unborn child. It is sad that that principle was lost in a manner which is almost indescribable to an ordinary bloke around town.

I have walked the corridors of this Parliament for 18 years and I have seen how parliamentarians get on together. A lot of dislike and lack of trust exists between those who represent the Liberal, National and Labor Parties in this Assembly. Do not tell me there is great comradeship, trust and respect in this place, as I know that the contrary is the case. A great deal of joy or trust is not exchanged; in fact, a high degree of criticism and lack of trust is levelled between the parties, and I even found it within a party. When I went to the bar to share a drink, I found it difficult that very few members participated during my 18 years because of that lack of trust.

A few weeks ago, we saw coverage in *The West Australian* of Minister Foss and Cheryl Davenport walking in a most friendly manner in Kings Park exhibiting cooperation and goodwill. It was a gesture of bringing together forces to deal with the fundamental issue of abortion and the lives of the unborn. It was sickening to see that example of supposed comradeship exhibited to deal with an issue of this kind. I thought it was a disgrace. Inwardly, outwardly, upwardly or downwardly, that relationship did not previously exist between those individuals - never in a fit. However, it was displayed because of the need to make a public display of solidarity.

We have seen the laughs and joys in Parliament as members gathered in numbers to defeat an opposing point of view. We did not oppose the Bill to be defiantly difficult or to prolong debate, but we wanted to salvage a little regard, recognition and proper understanding of the life of the unborn. We are entitled to believe in that recognition. We set in place a range of measures to try to counter that lack of recognition in the Bill.

Mr Speaker, what do we have in this State today if not wholesale, open-ended, do-as-you-like abortion? As you are not answering me, Mr Speaker, I answer: We have wholesale, whenever-you-like abortion. The Minister for Police should not sit there with his arms folded and feel good about that situation. He should not have allowed that situation to emerge. He had every opportunity to act as the pro-choice side always had the numbers. At the end of this process, we should have produced legislation containing recognition of the life of the unborn.

Mr Day: Whatever you think about the issue itself, you must recognise that more restrictions are now in place in practice than was the case for the past 25 years. Regardless of what the law says, more constraints and restrictions are in place than applied in the last 25 years.

Dr Hames: And there are more than in any other State in Australia.

Mr BRIDGE: It does not matter what the other States do. Once we pass the third reading, we will formally, legally and structurally endorse a set of rules which give an open right to abortion. I say to the Ministers in the Chamber: We should never have allowed the debate to lead to the open-ended Bill before us. That is the reality.

It is a sad reflection on Parliament that it has been irresponsible and oblivious to the purpose of life. Ultimately, through the political whims and priorities which have found their way onto the agenda, the legislation produced is open-ended.

I say to members who differ with me: Good luck. Carry their carriage, and feel as strongly as they like about the issue - that is their business. However, I condemn the way in which Parliament has disgracefully, in a most malicious way, abandoned any regard and respect for the unborn. It is the most disgraceful process I have seen. I never thought I would see a time in Australia, no matter the extent of life involved, that life would be neglected in the pursuit of legislation to suit other considerations. That has happened. One can call a rose by another name, but it will not change the result.

If the 1.5 million Western Australians believe this Bill is good law, never consider me as part of it. There is nothing populous about this process. One's self-belief and the regard for the importance of life is what is important. I and others have tried to say that a higher regard must have priority in the legislation. Nevertheless, that view was cast aside in the most ruthless way by people with another agenda, which was certainly not the preservation of life. Members supporting this measure had the numbers and won the day.

Mr Bradshaw: Read the second reading debate: What you said then is totally differently from what you are saying now.

Mr BRIDGE: I am not one of the fellows like the member for Murray-Wellington who never changes a position once it is adopted. If a politician in this place always said, "I will not change from what I said two months ago", he would be a gutless wonder.

Mr Bradshaw: Not necessarily.

Mr BRIDGE: That is very good advice, but I will not feel criticised just because I said something different a few weeks ago. If members want to be Johnny-come-lately, inefficient, ineffective politicians, that is their way out. They should always operate by that golden rule which will give them a comfort zone that makes them feel good, if nothing else.

Mr Bradshaw interjected.

Mr BRIDGE: I am not one of them. If the member for Murray-Wellington gave me sound and fundamentally proper reasons for changing my tack on a course of action in this Parliament, I would be proud to change my tack. That would reflect a sense of responsibility and a measure of maturity. If politicians do not have that in their body and soul they will not be much good.

The member for Murray-Wellington could say that because I change my mind I might not be much good. However, that would be his judgment versus my belief. I have taken a few roads during the past few months that one could say take me the long way through the outback of the Pilbara and the Kimberley. As the recently released song says we should take the least used road home. That is the long road. I have taken the long way a few times. However, at the same time I have come back to the base from where I began of putting fairly reasoned argument on this issue at all times. Whether I have taken the less used or more frequently used road is not important. It is important that I have always focused my attention on the fundamental aspect of this issue; that is, the right of the unborn child and what we were doing in our legislative deliberations on this issue. They are important.

I leave this Parliament for today saying that in the 18 years I have sat in this place two disgraceful issues stand out. The arguments in support of each one were false and they will be proved by history and fate to be false. The first issue was the way the Government handled the native title legislation. It was a disgrace and the courts proved that to be the case. The second issue concerns the abortion debate. This issue, particularly the outcome of the debate, will go down in my memory as a sordid and horrible debate.

I want that recorded because we may have another such debate one day. I hope that in the remainder of my political career I do not have the misfortune again to be involved in such a debate, the basis of which was the most disgraceful I have ever seen.

MR WIESE (Wagin) [3.04 pm]: I was disappointed to hear the member for Kimberley comment that the outcome of this debate is a defeat for him and those who are with him. I do not believe it is a defeat; it is a result of the process for which Parliament exists. Parliament is a forum in which we come to address issues and, at the end of the day when the votes are taken, resolve them. My respect for the member for Kimberley has not changed in any way whatsoever. I have always respected and will continue to respect him. I hope he will eventually not see this as a defeat, but as a result of a most unusual debate in this Parliament.

I came into this debate with only one intention; that is, to reinstate in the laws of Western Australia that which had de facto existed for the past 25 years. Whether we like it or not the reality is that over the past 25 years we have had access to terminations of pregnancy at will. As somebody else commented by interjection, this Bill will reflect the reality of what happens in Western Australia and will introduce some controls.

As it has for many members, this debate has made me confront the many conflicts within myself as a result of my upbringing and education and my own assessment of what should exist within our community - what is wrong, what is right, what is bad, what is evil and what is good.

I cannot accept that it is right to force a woman to carry to full term a foetus she neither sought nor desired, which she did everything possible to prevent from coming into existence and which she knows will have disastrous effects on not only herself but also her marriage, her family, and even her wider family. Nor can I accept that we, or the community, can tell a woman to carry a foetus to full term and hand it over to somebody else by way of adoption. We have all heard in this House and in our electorate offices the enormous problems and effects adoptions have had on both the woman who gives up the child for adoption and on the child who has been adopted.

A wider issue I will address arises from some of the comments made by the member for South Perth in his third reading speech. He spoke predominantly about slavery and the treatment of Aboriginal people in the past and such issues about which as a community we have come to accept that we were wrong and that they should never have happened. It is my bet that the great majority of those who were involved in those atrocities were so-called practising Christians. I have a very strong belief that over the centuries more crimes have been committed against humanity and justified in the name of religion than for any other reason. It is incomprehensible to me that those so-called Christians who unquestioningly supported the anti-abortion stance on the basis of their genuinely held religious beliefs can refuse to acknowledge the reality of what is happening in the world where population growth is not controlled.

Why do we have so many social problems in our community today? I believe it is because we have mothers going out to work to provide the basic necessities of life - food, clothing and education - and children being left without the family support that they so desperately need. We have a church which condemns contraception and those women who make the dreadful decision to terminate a pregnancy when contraception fails and which tries to force its beliefs on everyone else through legislation, even those who totally reject its beliefs and teachings.

When considering the world scene, one must ask what that same church and those people are doing to address the poverty and suffering in the poor countries of the world that are labelled with the derogatory term "third world countries" by rich nations such as Australia. We must consider the poor of India, China and Africa and the dreadful plight of the women and children in such countries. Yet, the church continues to urge the women in those countries to abhor contraception and termination and to bring child after child into the world to the detriment not only of their

own health and lives but also the welfare of their families and the wider community in which they live. The ramifications go far beyond that, because it is also to the enormous detriment of the environment, standards of living and the world's finite resources.

Such attitudes as we have seen expressed in this Parliament ignore the advances that have been made in medicine, science and so on over the past 50 to 100 years and the reality of world population growth, which continues without cessation or control. They also ignore the very human characteristic that drives every person to try to improve his or her own and their family's standard of living and level of education. The inevitable result of that search for improvement is a growth in demand for the basic resources of this world; that is, food, water, oil, gas, timber and so on. Those extremely finite resources, once used, will never again be available to future generations.

Those same people ignore the galloping degradation of the world's environment, which is the direct and inevitable result of uncontrolled population growth. They ignore the reality of the greenhouse effect, global warming and desertification. It is my very strongly held belief that uncontrolled population growth is the greatest threat to civilisation as we know it, to government throughout the world as we know it and, further, to world peace that we all seek. I am amazed by those members of our churches and communities who ignore all the medical advances that allow us to control fertility and who want to take women back to being barefoot, pregnant and slaving over a wood stove. We have a far more stark reality to face in addressing the world's population growth. To some degree, that is what this debate has been about if we extend it beyond the very narrow topic we have discussed.

This has been a very good debate. It has seen this Parliament operate as I believe and many other speakers have said they believe it should operate; that is, free of the shackles and constraints of the party system. However, it has also shown us exactly why we need that party system and the disciplines that are an inevitable part of the parliamentary system if we are to deal with the volume of legislation that must be dealt with by Governments and Parliaments today.

I am very pleased to have been able to take part in the debate. I am satisfied with the result. I do not think anyone can be happy with the result given the huge problems of which abortion is symptomatic. The legislation that I hope will pass the third reading stage in this place and then be passed by the Legislative Council in the next couple of weeks realistically addresses the problems that we set out to confront and solve at the beginning of this debate about seven or eight weeks ago.

MR MINSON (Greenough) [3.16 pm]: I have listened with some interest to this debate, although I have not joined in. I have always held that if one says something once, perhaps twice or, at most, three times, there is no need to say it four, five or six times. Because I said what I wanted to say three times when we debated the original Bill, I have not contributed to this debate.

I will spend five minutes making a contribution to put a couple of points on the record. It was interesting to hear some of the comments made by members, particularly those of the member for Kimberley. While I have great respect for the member and have shared many of his views in this debate, I point out to him that some aspects of democracy are unpalatable, particularly if one cannot attract majority support. Even if one loses the vote in this place, democracy is still the best form of government we have at the moment. No-one has managed to invent a better system for some time. I accept the outcome of the debate, and do so without rancour. If members are so disgusted with the outcome of a debate in this democratic system - that is, if it is too hot in the kitchen - they should get out. I do not mean that in a nasty way, but if they are participating in a debate in a democracy and they cannot make their point eloquently enough to prevail and they do not like it, perhaps it is time to go.

I put my point of view during the original debate. I wanted to present what I believed my electorate was telling me. I believe that I have done that during the debate on the two Bills.

About 80 per cent of my constituents want some controls on abortion - they do not want it accessed indiscriminately. I have spoken to many people in my electorate and most were not particularly happy with the concept of abortion, but did not want to go back to the days of knitting needles in backyard sheds. Despite my very strong feelings against abortion for those around me, I acknowledge that if a woman in her heart wishes to obtain an abortion, with appropriate safeguards, we must allow her to access proper medical care rather than risk losing both mother and child. I do not say that lightly.

Parliament has grappled with a difficult issue, where the absolutes are not as clear as many who have spoken in the debate would like us to believe.

I will not canvass all those points of view and issues again. When absolutes exist, on every occasion and on any aspect, it is often very easy to make up one's mind. However, despite my basic pro-life stance, and the fact that I would do anything to prevent my wife, daughters, relatives, friends or anyone who asked my advice from having an abortion, the issues are far from clear in many areas. Absolutes to me are not necessarily absolutes to everybody.

In that vein I point out what the Parliament has not done. I have said this before but it is worth repeating: We have not made abortion compulsory. If someone has a purpose in his or her heart to abort a foetus, that person must understand what he or she is doing. The person will make that decision and the blood will be on that person's hands, not mine. I have no truck with the people who have written to say that because I am connected with this place when an abortion Bill is passed, I am in some way a murderer. I cannot accept that opinion because the decision will be with the doctor and the woman concerned, not with me.

The Bill provides for informed consent. We have not provided for abortion without some thought beforehand. The legislation has yet to be passed, but we are not about to allow something that was not going to happen any way. I alluded to this point in earlier speeches. If we were to totally deny abortions to anyone, and kid ourselves that none would be carried out, we would be incorrect. Abortions will occur regardless of the law. So I then, I guess, turn full circle.

After all the persuasive and eloquent arguments to the contrary, all the practical help, if a woman has purpose in her heart to have an abortion, it is better that the correct procedure be undertaken properly in a sterile place by qualified people. That is despite the fact that I would not want to be a party to that decision or procedure.

The Bill is more liberal than I would wish. I would have preferred a third Bill. I would prefer to have seen about three people from both sides, or from around the middle of the debate, go away for a month and draw up a Bill which was much more eloquent in its expression. However, that was not to be, but it would have been a better way to go. We could have drafted a third Bill from all the debate that has occurred. That would have been more satisfactory and would have received the support of about 80 per cent of members. That was not to be, and that is fine.

Finally, I comment on the occasional rancour in this debate. No doubt in the past 24 hours there has been a little bit of that. Over the past six weeks there has been a lot of it. However, someone said to me last week that the effect of this debate will be felt for a long time. I do not believe it will. I do not believe the poison of this debate will last very long. People are entitled to their views. Those who simply cannot tolerate the views of other people should perhaps reconsider their place in this House.

I have listened to most of this debate. Many good points have been raised, and many points have been made about 130 times. From time to time that is the way of debate in this place. The member for Wagin referred to the discipline of a party system. I have often reflected on what a Parliament of Independents would be like. I would not like to operate in a Parliament entirely composed of Independents, because the outcome for Western Australia would not be good. Although there is room for parties and Independents, the research and debate behind closed doors within the party structure and the final debates in the Chamber - although sometimes rigid - are preferable than the free ranging debate that consumes much time and ends up in clumsy legislation. Therefore, I reaffirm my support for the form of government that we have. It is constructive and it allows other points of view; it certainly allows a certain amount of structure and discipline.

I ask members who feel very strongly about what has happened here in the past few weeks to put aside their differences. It would be extremely disappointing if the poison that has been allowed to come to the surface occasionally in this debate continued to circulate. At times debate becomes heated in this place. However, later we can walk down the corridor and have a drink with members with whom we are in conflict; we can place the conflict behind us. Debate must remain in this place and the rancour which surfaces from time to time must disappear after the debate.

I do not particularly like the Bill. It is not one that I would support. We could do a lot better, although I have not managed to convince people over the past six weeks that it should be in a different form. I urge all members who have extremely strong feelings one way or the other to put aside their differences and to accept the fact that they are members of a democracy. If they cannot put aside their differences - some have said that they will find that difficult - perhaps it is time they looked for a new career.

MR McNEE (Moore - Parliamentary Secretary) [3.29 pm]: Today is a very sad day for Western Australia. I have listened with interest to the debate. Anybody who still believes that this is a religious argument, and that the many utterances I have made are the result of my being a Catholic, is incorrect. That has nothing to do with my argument. If members want to rerun the argument, I will be happy to accommodate them. I have no rancour and I am in no hurry. I do not care if we are still here in three years, still discussing this all-important issue.

Do not forget the rancour that has been part of this debate. I do not give a continental if someone gives me a clip on the ear, as long as they do not complain if they get one back; that is all I ask. A member has just blamed the churches for all the problems in the world. I had a very good friend, and, thank God, I still have him. His friends always tell him it is their prayers, and not his, that saved him. He would visit my home and we would have great philosophical arguments and he would say to me, "I am an agnostic and I am proud of it." Then suddenly he became seriously ill.

He was so ill that he could not crawl into St John of God Hospital fast enough. When he thought he would not be sent there, he wanted me to ring the Bishop! I would not do that and what good would it have done?

Mr Marlborough: I will tell you a different story. I will tell you my story about St John of God Hospital, and what they did to me.

Mr McNEE: I do not want to look for a fight with the member for Peel, but I will say this: I do not walk away from a fight - once around me, twice around the town hall! I have a nasty, prickly, little weed on my farm called roly-poly. It is just like the member and me; it rolls around all day and gives us a tough time, and I respect it for that. That is how I see it, member for Peel. Members can tell those stories, but I am illustrating the fact that one can blame this or that and cover one's tracks as best one can. I was impressed when I saw people wearing purple ribbons. Purple is an ancient ecclesiastical colour for penance and I am unsure whether the purple ribbon represents the penance that people are doing, or whether it is the penance that has been inflicted on the women of Western Australia in the name of some stupid form of liberation - if that is what one wants to call it.

I have repeatedly asked the question: When does life begin? I do not know, but I think that life is pretty simple. I never agree with people who believe that life is complicated and that the decision making process is complicated. These people say in a very wise way, "This is a very complicated issue." What that really means is, "I do not understand and I am damn sure you cannot." This issue is not complicated. When one is like the member for Kimberley or me, or people in practical positions, one's experiences of everyday life make one think about things.

I remember giving a job to a young university student, who was studying computers - in the days when computers were just getting off the ground - because, like a lot of other university students, he was broke and needed some money. One very hot day he came to me and said, "The truck is running hot and I think it is the timing." I said, "It would not be that because you would never start it if it were." It was about lunch time and I said, "Go down to the back paddock where the machinery is, lift the cab of the vehicle, have your lunch, and when the truck has cooled off, get the air compressor and blow out the radiator." He said, "No, it would not be that." I said, "I am telling you to do that, and then put it all back and hop in the truck and go to the bin", and he did. When he came back, I called him up on the two-way radio and said, "How is the truck?" He replied, "Oh, it's fine", and I said, "Well, I told you." That is an example of life: One is looking for the complicated answer when it is simple. He said, "Bill, life is complicated for me. If it is not a complicated problem I cannot handle it."

When does life begin? Have members ever taken their kids out to collect tadpoles? What did they find in the water? They found tadpoles and what not. When is a frog a frog? When is a tadpole a tadpole? Did members notice the larvae in the water as their kids were picking them up? Those little red larvae are mosquitoes. When is a mozzie a mozzie? I will tell you when a mozzie is not a mozzie: If someone puts some kerosene on that water, it will never be a mozzie. There is no doubt in my mind that life begins at conception. If a lady walks around all her life and never has intercourse with a man, she will never have a baby - unless she goes on IVF. Never! If one never puts the rooster with the hen, one never gets a chicken; but the moment one does, the result is a chicken. There is nothing one can do about it, except argue about when it is a chicken. If one never put the rams in with the ewes, one would never have any lambs. Life begins at that point of conception, but there are people in our community - and God bless them, we need them - who believe that they need to make life complicated, and introduce complicated arguments, which do not amount to a row of beans. That is not the attitude of people who deal with practical situations, every day of the week.

Members have put onto women the most heinous crime in the name of liberating them. Furthermore, we have paid no attention to the defenceless; that is, the unborn baby. The Rights of the Child Convention and the Human Rights Convention state clearly that that child has an unfettered right to life. There cannot be two standards.

It is interesting when people want to drag in a religious argument because there is nothing new. Members should take the trouble to read the book that was sent to them, *The Hand of God*, which was written by an American doctor, whose name I do not recall. He was making a lot of money out of the abortion business, but finally understood what he was doing was wrong and left. He ran the biggest abortion clinic in America, if my memory serves me correctly. To convince the American people, the people running the abortion clinic had to con the Press. The next thing they had to do was make abortion a religious argument, and that is what they did. If members still have the book and have not thrown it in the bin, they still have time to have a quick look at it before voting on the third reading of this Bill, because if members vote for the Bill, they will set Western Australia on a new course.

Make no mistake about it: The Parliament is irrevocably changing the moral laws of Western Australia. They are what is being changed. Members should think very carefully before they do this. This Parliament is about to take a huge step. I have never seen such a strange arrangement as the Parliament had with what was called the Davenport Bill in the Upper House and the Foss Bill in this House. I told some of my friends that we would end up with the Davenport Bill whether we want it or not. That was not quite right. The end result has been Davenport with a shade

of Foss. Members can say what they like about this issue. The Parliament is about to pass the worst legislation in the world. I am told it is equalled only by the Chinese and Ethiopians. Members may suggest that the Bill has been dressed up a little. I say it was dressed up begrudgingly. It took a long time to get a few small concessions. I would stay here for another two years if it meant getting a few more concessions. It would not worry me. Like the member for Kimberley, when I walk out that door this afternoon my conscience will be clear. My name will be recorded where I want it recorded so that those who follow me will be able to see that I was not conned by the rubbish that was pushed at me in the last few days and weeks. What members have now is an absolute nonsense.

This Bill will allow abortion on demand. People say that for 25 years, the community has had abortion on demand. The fact is, Mr Acting Speaker, that there was a law but it was not enforced. The law was quite clear but nobody bothered to enforce it. Now it has been suggested that because the law was not enforced, the Parliament must change it. Members have been told that the law must match the perception of what the public wants. That is where we are wrong, Mr Acting Speaker. I do not remember how many letters I have received on this issue. I think that every anti-abortionist in Western Australia has written to me and my colleagues. The people involved in the Coalition for Legal Abortion or whatever it is should have written to me. Other members have received a similar number of letters but nobody seems bothered by that. The letters I have received do not indicate to me that ladies are queued up down to the Narrows Bridge and the Causeway hammering on the doors of this place for us to pass a law to murder babies. Whether members like it or not, that is what the Bill is about. People can call the child a foetus or whatever they like; however, for me to support the Bill, scientific people will have to convince me that life does not start at conception.

The Parliament has denied the unborn child its fundamental right. Mr Acting Speaker, if this sort of legislation is the best that this place can pass, the best thing we can do is close it down. The Parliament has lost its fundamental purpose. It is here to protect people among other things, and it is here particularly to protect the unborn.

I believe every member received a letter from Trent Franks, a former member of the Arizona House of Representatives.

Mr Thomas: He wrote to Hon Barbara Scott.

Mr McNEE: His warning is clear. The letter urges the Parliament to not go down the path that America has gone down. We should keep in mind that America is the place where 11 year olds ambush their mates. It is a place of violence in the extreme and, as I have said before, violence breeds violence. Mr Franks wrote -

We have made it illegal to throw away polystyrene diapers while it remains legal to throw away babies. Every fourth preborn child in our nation now succumbs to "choice" and each time, a nameless baby dies a tragic and lonely death, a mother is never quite the same, and all the gifts her child might have brought to humanity are lost forever.

Members do not know what they are doing. We do not know what we are throwing in the wheelie bin. Members are not concerned; they say the choice relieves the mother and she is going to be happy forever. That is not the case. This legislation makes sure that is not the case. I hope I am reading this letter in the sense intended by the writer; if I am not, I apologise. It states further -

In the name of liberating woman, we have only liberated the men who exploit them.

I said that last night. I only read the letter this morning. Mr Franks continues -

Abortion in America is nearly always something done to a woman by a man for the convenience of another man. When American women, in their loneliest moments of a crisis pregnancy, need us the most, our most common answer is to kill their child for them. Is anything more anti-woman?

We parade around saying that this is done in the name of choice and ignore the fact that no choice is given to the unborn child, or the foetus if that is what people want to call it. Members think that somehow this legislation will improve a woman's situation. It will not improve her situation. The biggest disease affecting unborn children in this State is mother's choice. Somebody wrote in the newspaper the other day that the least safe place for a baby is in its mother's womb. What sort of society have we created when a baby is no longer safe in its mother's womb? What sort of monster society is this? If members really believe that abortion will stop at giving people a choice about whether to abort, and if they think it will not go any further than point A or point B or the aborting of babies with genetic diseases, they are wrong. It will not be long before this law is changed and there will be many good, valid reasons for changing it. The people who want to change the law will tell those who dare to oppose them that they should be quiet and not get grumpy and all those sort of things. They will try to belittle the opposition. They will say that the women are queued up waiting for the legislation to be amended, and it will come as surely as night follows day.

Those who support this amendment today will be the proud owners of it. They will carry it with them as they long as they live. I will not vote for this amendment because it is absolutely wrong. Members need to really think before the amendment goes any further. The problem is that this is the "me" society. People today accept all the easy options, which is why they keep getting themselves into trouble.

I was talking to some clerks and school teachers the other day who advised me that they are terrified. They have little 10 year olds in their schools who are virtually shirt fronting them. I told them I had a good answer to their problem. They said they knew what it was, but they were not allowed to do it. I understand that. People set the soft option. Society tells children to never mind; that they only stole a Jaguar, and to go back and steal a BMW; it is not their fault, it is their bad parents' fault; or society has not looked after them properly. People will blame anybody, but they will never face up to the fact that it was probably the parents who were to blame in the first place. Perhaps it was a nanny Government - not our Government - but Governments that have created this nanny situation when the absolute discipline of a child is interfered with in the name of God knows what.

I am expected to support abortion for the most fallacious reasons. If somebody had given me a good strong reason that I should support it, then maybe I, like the member for Kimberley, would have a look at it. However, no good reasons were brought forward. Is it not strange that in Ireland and Hungary there are no deaths from abortion because no abortions whatsoever take place? I will quote a paragraph I received from Right to Life Australia about what happened in England -

Further to this, of interest are statistics for abortion complications under 13 weeks in England and Wales. These are recorded and published yearly. UK doctors being obliged to notify the Department of Health Annual Statistics within seven days. Figures for 1996 are; haemorrhage 150, sepsis 389, perforations 115, other 96. Abortion is legal in the U K. So much for "safe and legal"!

As I understand it, and I am no medico, there are no safe operations.

Mr Bridge interjected.

Mr McNEE: The member for Kimberley and I are both unfortunately blessed with that and it puts us at a bit of a disadvantage. My understanding is that there are no safe operations. We are in the middle of I do not know what, encouraging ladies to line up and abort their unborn children. We need to look at the reasons behind the 10 000 abortions in Western Australia a year. If the figures are wrong, and there are only half that many, it is still far too many. We need to change that, find out why it is happening, and change whatever we are doing, or educate people in whatever they are doing. They must be reminded that if they have sex and they are fertile, the chances are the woman will become pregnant. They must be careful because of the inadequacies of some forms of contraception. That means that people must be responsible for their own actions. They must be responsible for the things they do.

If I drive my car home tonight at speeds over the limit, I will probably get caught and rightly so; but if I act in a responsible way, I will get home and be safe. I will not have to worry and write to the Commissioner of Police because a policeman booked me. That is how pathetic we are getting in Western Australia. That is the sort of nonsense we have engendered in the population. This Parliament is about to impose on Western Australia the worse piece of legislation it has ever passed. If somebody in this place moved to ban the police catching people exceeding the speed limit, would this Parliament in the name of road safety do that? Of course it would not! However, it is doing that with this abortion Bill.

I remind the House that abortion is wrong. We have spent weeks trying to change a law and make it respectable. I remind this House of the third or fourth commandment: Thou shalt not kill. It is four simple words. It does not say people can be killed because they have Down syndrome, are cross-eyed, have a club foot or under any circumstances. This Parliament has taken on this role, because members do not believe in that fuddy-duddy stuff anymore, and say they will change the law to make it right. We are attempting to change God's law. We are wasting our time here. An abortion law has been agreed to by this House, and I bet that before the life of this Parliament is over, it will be back here for amendment because it will turn out to be the abortion law of all abortion laws.

MR KOBELKE (Nollamara) [3.57 pm]: I cannot vote for this Bill. It is bad legislation. I find this legislation to be abhorrent because it fails to uphold in any form the right of the unborn child. I have much respect for the member for Pilbara. He suggested earlier today that referring to an unborn child was trying to change the tone of the debate or use words improperly, because the unborn child really should be considered a foetus. I ask members to consider that remark, particularly if their family, or someone they know is carrying a child. The husband and wife are perhaps talking about the child in the mother's stomach. Do they say when the child moves or kicks, "That was our foetus." Has anyone ever heard a couple with a child in the mother's womb refer to their child as a foetus? I never have. In my case, at those times of joy, we would talk about our child. We might talk about what we would call the child, but it was always our child; it was never our foetus. The common language clearly indicates that the child in the womb

is a child; it is a human being, not yet breathing, but living, with its heart beating, within the mother, but different from the mother - clearly, a human being and a child whom one hopes will be loved.

The original form of this legislation was simplistic to the point of being shallow. It had no principle whatsoever. As we have gone through the process, both with the Foss Bill and now the Davenport Bill, we have undergone a very chaotic process of trying to draft and incorporate amendments so that there might be some semblance of respect for the unborn child. Unfortunately we have failed. In my view, some gains have been achieved because the Bill contains some signposts indicating that people should have respect in some measure for the unborn child. The legislation is totally ineffective in providing any reasonable legal defence for children yet to be born. Small wins have been made, and at least people have been willing to insert some signposts in the Criminal Code indicating that women should not abort children unless they really want to. It has not been possible to provide that the rights of the woman must be weighed against the rights of the child. As we sow, so shall we reap. Laws that uphold respect for all human life will engender respect for all individuals in the community. Laws that undermine the value of life will destroy the fabric of society.

I do not dismiss the problems besetting women who have an unwanted pregnancy. I will not go into that because I am not qualified to do so, and it would take too much time to address those difficult issues. They cannot be pushed aside, and one of my regrets is that no attempt has been made in this debate to address the real issues confronting women, and the need to maintain respect for the unborn child. The debate has been polarised and it did not move productively into that middle ground.

I cannot accept that a civilised society regards the killing of a child as a solution to overcome the problems some women face. I do not think it is appropriate to gaoil a woman who has sought or undergone an abortion. How long is it since a woman in Western Australia was gaoled under the current abortion laws? I cannot recall. To my knowledge, that has not occurred for decades, if ever. Society recognises that women in difficult situations need to be treated in a respectful way, but the Statutes still need to provide that the life of the unborn child must be upheld and respected. That is not contained in the Bill before the House.

Members know that some doctors, predominantly male doctors, have a financial incentive to procure abortions. It is in the vested interests of some doctors to encourage, cajole or trick women into having abortions. Examples were given in the debate. Although that applies to only a small number of the 9 000 or 10 000 abortions performed in this State each year, the legislation contains no protection for women who may be coerced into undergoing an abortion or who are not properly informed before they give consent. I do not believe this Bill contains any real safeguards for women. The Bill not only totally disregards the rights of unborn children, but also fails to offer women any real protection.

Legislation should not be enacted in an area as important as this without taking into account some values. Those who wish to run the argument that the churches are telling people what to say, are using it as a debating point. It has no bearing on the facts of the situation. Some people form their values on the basis of Christian beliefs, and others form their values on the basis of other influences and sources. Values are crucial to the foundation of any society, and if the fundamental laws of this State are not founded on some values, I do not hold much hope for the future. Someone mentioned earlier the need for tolerance. That is very true. In this multicultural society, with people from a diverse range of backgrounds, there must be tolerance and respect for the values of others. Sometimes people must not be too forceful about one set of values so that they do not override or trample on the values of others. However, values cannot be totally irrelevant in this debate. In some sense values must be absolute. Our society is failing to grasp that. It is extremely difficult, but if some basic fundamental values are not established, our society will disintegrate. I do not know why all people do not accept as a fundamental value the right to life of every human being, born or unborn. Without that, there is no fundamental basis or bedrock on which society can grow and flourish.

This is a bad law. It allows the rights and interests of one individual to be furthered by extinguishing the life of another. The person whose life is to be extinguished is an innocent, unborn, human being and his or her death will be allowed to advance the rights of the woman. I am not suggesting that there are no situations in which the rights of the mother should override the rights of the unborn. That debate was not entered into. Members have accepted a range of grounds on which the killing of the unborn child would be justified because the interests of the mother are paramount and her life could be seriously threatened. This Bill goes well beyond that to the point at which the whim of the mother is sufficient to totally wipe out the rights of the unborn child. That is the travesty of the legislation before us. This Bill fails to recognise the rights of the child in any way. It is my firm belief that such a gross injustice and total disrespect for human life will inevitably bring disastrous consequences for Western Australia. Laws, whether on the Statutes or established by the practice of the courts and the justice system, play an important role in fashioning the society in which we live. I refer to examples used by previous speakers.

First, I refer to slavery in the United States of America. I do not wish to create the impression that slavery was the sole cause of the American Civil War, in which the United States lost more people than in any other conflict, far more

than in the Second World War or the Vietnam War. The reasons for the Civil War were many and complex, but slavery was a signpost of the things that were wrong in society and the laws that upheld it were instrumental in causing the problems. Why was there slavery in the United States? It could be argued that it was for very good reasons. It overcame the difficulties of many people. Many white people would have been destitute and poor had they not had slaves on which to build their wealth and a comfortable life. It was accepted that the rights of some whites could be advanced, upheld and furthered by enslaving Negroes. That was upheld in the American Supreme Court Dredscott decision of 1856, which found that the black man was not a human being and could, therefore, be owned and enslaved as an animal. A fundamental decision in the legal structure of the United States upheld a system of total injustice, which gave a better life for the white people at the expense of the black people in a way that people now find totally unacceptable.

I refer to Hitler's Germany. People may know of the history of the Ruhrkampf of 1923 and the problems that beset Germany under the conditions of settlement of the First World War. Times were extremely tough in Germany in the 1920s and 1930s. It is no wonder that they looked for a person who could lead them out of that abyss; and, when they did that, the German court decisions and system of government said that the cause of the problem was the Jews. We know that is not true, but that was an integral part of the Government of Germany under Hitler. The German High Tribunal, the Supreme Court, ruled that Jews were "untermenche" - subhuman - and therefore not "persons" under the German Constitution. That was the signpost and integral part of the legal system in Germany that led to the death of six million Jews. We cannot divorce the laws of a country with regard to the right to life from the way that society will function and from the catastrophes that it will visit upon some members of that society, and that will lead eventually to the destruction of that society.

We need to look only at the problems we have in Australia today in respect of native title and the Mabo decision. I have great respect and admiration for the marvellous achievements of the white settlers in Western Australia and throughout Australia. They had very tough lives, but they were able to make a go of it, advance themselves, and enjoy the fruits of this land. However, it is not all a positive picture, because they did that by failing to respect the lives and rights of the original inhabitants of this country. Again, while that was a complex picture, a key legal plank in its framework was the doctrine of terra nullius and the laws which were based on that doctrine, which set aside totally any legal rights for Aboriginal Australians. As we know, it was not until 1967 that Aboriginal people were recognised as citizens of this nation.

The DEPUTY SPEAKER: I remind members that we are on the third reading debate. This is not a second reading and general debate. The debate should refer to the clauses of the Bill and stay strictly within the guidelines of the Bill. I know everyone has strayed, but it is about time we got back to having a third reading debate.

Mr KOBELKE: Thank you for your guidance, Mr Deputy Speaker, and I will just complete the point that I was making, which is that the huge problems within Australia today with land rights issues can be tied, not singly but in part, to the legal mistakes that were made by our forefathers in failing to recognise the fundamental rights of Aboriginal Australians.

This Bill will not directly destroy our society, but it is both a signal of the direction in which we are going and a mechanism to speed up the process of creating disregard for the value of human life, starting with the life of the unborn child, and from there growing to a total disrespect for the value of all human life.

I imagine that members would, through Robert Bolt's play *A Man for all Seasons*, and perhaps their knowledge of history, have heard of Sir Thomas More, who was the Chancellor of England, which is perhaps equivalent to today's Prime Minister. Sir Thomas More stated in that famous and very meaningful play that "when statesman forsake their own private conscience for the sake of public duties, they lead their country by a short route to chaos."

This Government has total responsibility for this Bill. It cannot wash its hands of it. It was drafted by the Attorney General, using the resources of government. The amendments were drafted using the resources of government. The Bill has come this far only because the Government has driven it through the Parliament, using its own time.

Mr Minson: That is not fair.

Mr KOBELKE: This Bill is going through the Parliament because the Court Government wants it to go through, and for no other reason. This Bill was initially sponsored by a Labor member and is in keeping with Labor Party policy, but it has come this far and it will pass only because the Court Government wants it to pass. That is very clear, and people in the community know that. I have great respect and administration for those members on the government side who followed their conscience and were not willing to make it easy for the Court Government to get this Bill through - not that there was any straight out delay, but they did seek to try to improve this Bill, and they made a stand time and time again to try to put into this Bill some values and respect for the life of the unborn child.

I am also very thankful for the support that I received from the members for Midland and Girrawheen, who are Labor

members on this side, and from the Independent member for South Perth, who has been a central organising point in our success in being able to gain in this legislation some little respect for human life. Unfortunately, while we have been able to put in the Bill some matters that we hope will be a signpost or indicator that we should respect the life of the unborn child, the Bill has no clear mechanism for dealing with a clear breach of that principle.

The original Bill sought to repeal the existing penalties in the Criminal Code with regard to abortion. Through the amendments that have been made in this Chamber, we have been able to put back into the Criminal Code at least some element of constraint with regard to abortion. It is clear that although, through those amendments, backyard abortions will be outlawed in the Criminal Code, if an abortion is to be performed by a doctor, it will be abortion on demand. The only requirement will be that the woman gives informed consent. We have had some success in trying to ensure that informed consent as defined in the Bill means what people think it means - that is, the woman is informed when she consents to have an abortion. However, our gains in that area have been minimal, because we have not been able to put in place a provision that there be some time delay. A person who pays \$1 000 or \$2 000 to buy a set of encyclopaedias from a person who has come to his door is given a cooling-off period, yet when it comes to taking the life of an unborn child, there is no cooling-off period. However, there is, hopefully, a small chance that the required counselling will mean that a woman is better informed. Although I acknowledge that many women do understand the issue and can think it out for themselves, our law needs to protect those women who do not know what is involved and have not been given reasonable medical knowledge before they make that decision.

I am most disappointed that this Bill will not restrict women from having an abortion on the basis of the sex of their unborn child. That restriction was in the Bill at an earlier stage but was taken out of this Bill by the amendments that were passed earlier this morning. I appreciate that it would be difficult to enforce that restriction, but under the Bill as it now stands, it will be open slather. It will be open to women to use this Bill as a method of selecting the sex of their child, and there is no suggestion that that is in any way wrong. I find that abhorrent to the values that we should be upholding to ensure not only the protection of human life, but also that there is no sex discrimination in our community. This Bill will not fall within the provisions of the Sex Discrimination Act, because an unborn child is not a person for the purpose of the law, so sex discrimination law cannot be applied to a child in the womb, but we are saying that it is all right to discriminate against an unborn child on the basis of sex by procuring an abortion in order to choose the sex of one's child.

We have been able to ensure by the amendments that those medical professionals who decide not to be involved in abortions will not be caught up in a range of legal problems because of their contractual obligation to work for an employer or even a particular patient. That was not even countenanced in the original Bill, but was gained through the amendments passed in this House.

We were also able to place in the legislation the requirement that after 20 weeks' gestation a slightly more stringent process be followed. It is nowhere near enough, but it recognises that children should not be aborted late in the pregnancy. I accept that is not current practice in Western Australia; however, there is no reason it could not become the practice if people wish to set themselves up here and act in such an abhorrent way. The amendments put in the Bill place some restrictions on that. It is an indictment of the original Bill that it made no differentiation whatsoever between whether an abortion took place in the first five or six weeks or right at the end of the pregnancy.

We have also been able to achieve the requirement for the notification of abortions so that we can get a better set of statistics, to ascertain not only the number of children being killed, but also whether allowing abortions is having a detrimental effect on the health of women, and a fair bit of evidence suggests it does.

The debate has been lengthy. In large part that has been due to the way in which the Government has managed the legislation, trying to remain at arm's length. While it wanted the Bill passed, it did not want its name across the top of it. With that and the ability of members to follow their own conscience, there has not been the normal established structures to refine the debate outside the Chamber and come up with more clearly established positions so it could proceed more expeditiously.

One benefit that has come out of the debate is that people have looked at some of the issues. At the beginning of the debate some people who were pro-choice simply did not want to countenance any respect for the life of the unborn. Some people who hold that strong and extreme position - they may say I am extreme at the other end, and I accept that - have not shifted. However, others, even if only for the pragmatic reasons of getting the numbers to get the Bill through or maybe because they have rethought some of the issues, have been willing to give way to some of the amendments, which at least gives an indication that abortion should not be taken lightly. I am not saying that, in general, women take abortion lightly. Clearly they do not. It is a most serious procedure for all women, and they know that.

We must establish what it is in the law. If members believe, as I do, that the unborn child is a human life and, therefore, worthy of respect and protection by the law, we must put some provisions in the legislation to give some

effect to that. Some of the pro-choice people have at least moved a little to try to countenance some of those issues. I have found this whole process of the debate and consideration of the legislation very difficult. My views have been fairly well formed. My difficulty has not been in establishing where I stand; that has been clear to me for many years. However, it has been a bit of a crisis because this Bill in a very fundamental way is in conflict with all the things that have driven me to be a Labor member of Parliament.

It has always been my aspiration, whether working in a branch of the party or as a parliamentary member, to try do something to advance the human rights of the people of this State, to see what can be done to improve and uphold the quality of life of the ordinary men and women in this State. In this legislation I see a fundamental attack on the right to life. I cannot separate killing or attacking the life of an unborn child from killing or attacking the life of a child who is one day old or one week old. It is the same child. We cannot say that this child now has rights, but an hour or two ago did not. It has no logic. I find it very difficult to accept that I am a member of a Parliament which, it appears, will put in place legislation that is totally contrary to the guiding principles I have used in my parliamentary life. I must take some responsibility for this legislation. I am a member of this Parliament. If this Bill is passed, and it seems it will be, I cannot shed my share of the responsibility for that. That is something I find very difficult to accept.

MR BROWN (Bassendean) [4.25 pm]: I think some common ground has been reached during this very difficult debate between those for the Bill and those against it, in that we would all like to arrive at a position where there are few, if any, unwanted pregnancies, and where there are no, or few, abortions. The member for Mitchell put it very well when he said, "If I had a button in front of me to indicate there would be no more abortions, I would push that button until my hands bled." Most members will agree with that sentiment.

Unfortunately the Parliament must look at both the principle and practicality. This debate is a highly emotional one because the principle and the practicality clash. That has been one of the most difficult issues for all members in this place, irrespective of which side of the argument they are on. It is an issue about which people hold passionate beliefs, and not one where we can easily find a compromise. Essentially this Bill comes before the Parliament, not of the Parliament's own making, but as a result of circumstances that caused it to make a decision about how the law should operate in Western Australia. Essentially the Parliament must make one of two decisions: Either, first, to change the law to reflect the practice, or, second, to uphold the law, knowing it will be enforced, and enforced to the full. Some people have suggested in this debate that we should have a third option of leaving the law and the existing practice in place. That is not an option for this Parliament.

This Parliament has a responsibility to determine the law; it does not have a responsibility to enforce the law. This Parliament has determined it is appropriate for another person, an independent person, to be given that responsibility - the Director of Public Prosecutions. He has made a decision, whether we like it or not, that the current abortion laws in this State will be enforced; that irrespective of what has happened in the past 25 years, if the law is left as it is, he will seek criminal convictions to imprison doctors and women who participate in or have abortions.

There is no opportunity for this Parliament or people to pretend that we can have the law and the existing practice. That opportunity disappeared when the Director of Public Prosecutions decided that he would enforce the law. What does that mean for this Bill which is reaching its final stages in this Parliament? If this Bill is not passed today or shortly, women who procure abortions will be sent to prison. That is the stark reality. It is no good pretending it will not happen. People do not comply with a law because it is a law; they comply with a law because it is enforced. It has been illegal for many years to drive under the influence of alcohol. The incidence of driving under the influence of alcohol has declined markedly in recent years. Is that because the law has changed? No it is not; it is because the law is now rigidly enforced. Police with booze buses on the road stop people, breathalyse them and prosecute them and the courts take away their licences. The law has not reduced the incidence of drink driving, enforcing it has. As all criminologists know, Parliament passing a law does not mean that the community will magically comply with it; it does not happen. The law is complied with only if people consider it fair and comply with it voluntarily or they know that if they fail to comply with it the full force of the law will be brought down on them by the authorities and they run the risk being fined or imprisoned. People have suggested that we should leave the existing abortion law in place. If we are not prepared to enforce the law, the law should not exist. They have argued passionately for the current law to remain so that those who participate in abortions are subject to criminal penalty. That means absolutely nothing unless the law is enforced.

We have only this choice in this debate: We are in the difficult position of having to decide whether we as a society in 1998 will imprison women who elect to have an abortion. I cannot agree to the imprisonment of a woman for having an abortion. I agree with the member for Greenough that if a woman makes that decision, she must live with her conscience. I would not treat that woman as a criminal. I would not support locking her away from her family or from employment opportunities by giving her a criminal record. I cannot countenance that. At the end of the day we must make that hard decision in this debate.

We must look at the equitable application of any law. If we do not pass this Bill and the Director of Public Prosecutions enforces the existing law, as he has signalled with the first charges, to whom will it apply? It will not apply to women who elect to have an abortion interstate or overseas. The fact is that more than at any time in the past, state and federal law is irrelevant to people with the financial resources to move themselves and their assets around the globe. This law will mean nothing to women who have the financial resources to travel interstate or overseas. To whom will the existing law apply ultimately if it is not changed? It will apply to women who do not have the resources to travel interstate. This law will not apply to all; it will be a class law. It will apply to low income, low resourced women - that is all. That is as far as the law will go. It will not make one iota of difference to women who elect to travel interstate or overseas. I believe all of us, both pro-choice and pro-life, would like to finish up with a social situation in this State in which there are very few, if any, unwanted pregnancies and few, if any, abortions. There could be general agreement on putting in place programs and opportunities to try to achieve those objectives. However, we are not talking today about programs to achieve those objectives. We are talking about the implementation or non-implementation of a criminal sanction against women who elect to have an abortion. In 1998, after 25 or 30 years in this State, I for one will not support the imprisonment of women for up to seven years for having an abortion.

MR NICHOLLS (Mandurah) [4.40 pm]: I will comment on proposed section 334(9)(b). Debate last night on clause 7 was very arduous with many amendments foreshadowed and moved and, as a result, I made the mistake of not raising concerns about dependant minors in relation to paragraphs (b) and (c), which read -

- (b) a woman is a dependant minor if she has not reached the age of 16 years and is being supported by a custodial parent or parent; and
- (c) reference to a parent includes a reference to a legal guardian.

My concern is that we have introduced into the Bill a provision which enables young girls under the age of 16 years who are pregnant to go to the Children's Court and show good reason that a guardian or custodial parent not be informed and not participate in seeking counselling and obtaining information as part of the process before making a decision to secure an abortion.

As the sponsor of an amendment to the previous Bill on this matter, my intention was to protect pregnant young girls who may find it difficult to make the judgment and weigh up the consequence of a decision. Such a young person may be influenced by a doctor or another significant person who may recommend a course of action which could cause the young girl to suffer significant trauma for a significant period, if not all, of her life. I apologise to the House for not moving to remove the last part of proposed subsection (9)(b). With the provision of the Children's Court, we should provide the same protection to all girls under the age of 16 years.

Clearly, we would hope that no children of this age - who fall into a category not really of children or adults, but adolescents - would face the decision of procuring an abortion. As far as I can ascertain, not a large number of minors procure abortions in Western Australia each year. We should concentrate not on that issue, but on ensuring that young girls are given support and protection at a time when they may be very vulnerable so they are not forced or coerced into an abortion.

I had the task of framing the adoption legislation in 1994 when I was the responsible Minister. A number of people came forward at that time indicating that a decision had been made for them in their adolescent years that adoption was "best for them". Each of them gave birth and never saw the child, who was put up for adoption. The mother was told to forget about it and to get on with her life. When those young women were mature adults, they told of the great trauma caused by adults making decisions which were "best for them". They were coerced to make a decision and subsequently bore the scars for many years.

I suggest that the same may happen with abortion, as young adolescent women may be coerced or advised to have a termination only to suffer the scars in later years. Unlike adoption, where a mother may be able to make contact with the child later in life, there is no possibility of rekindling contact with the child once an abortion is performed. I raise that important point now because it may be revisited by Parliament.

I do not see this provision, or the amendment previously moved to the Foss Bill, as a barrier to young women accessing abortions if the decision is made that abortion is the only acceptable option. As parents and leaders in our community, it is important that we ensure that our laws do the utmost to protect young people and those unable, in many cases, to make a decision without some form of protection or guidance.

I hope that with the support of the Minister for Health - discussions indicate that it may be possible - we can consider the entire issue of medical treatment for minors. I feel strongly about the matter, which needs community consideration. Should that consideration take place in the near future, the protection of minors who find themselves faced with such a serious decision can be addressed. If not, we will need to revisit this aspect of the Bill, and possibly

amend it so every minor placed in that situation will have the protection of a guardian during counselling and/or the decision making process leading up to the procurement of an abortion. This applies whether that woman lives at home and is totally dependent on the custodial parent or for whatever reason has left home.

That raises the issue of young people who leave home because pregnancy results from incest, sexual abuse or some other significant trauma. If this clause were amended, or the application of this part of the Bill were applied to all minors, it might represent a timely intervention point in such cases. It may be the appropriate time for intervention to occur if a young woman was subjected to maltreatment or sexual abuse. This would involve not only help and assistance to the young woman, but also action being taken against the offender to ensure the abuse does not continue against that person or any other young person.

Therefore, I ask that members consider this issue. If we find that minors who are not deemed to be dependent are procuring abortions without being informed at the time, we need strength to revisit this Bill. Even though it may cause great pain politically for the Parliament to reopen debate on the legislation, I like to think we have the strength of character and moral conviction to address the problem, if it exists.

I will not support this Bill. In many ways this Bill goes further than the practice that occurred in Western Australia prior to the legislation. I will watch with interest as the practices and progress of the panel of doctors and peer review unfold. I will also watch to see whether we see a major change in the number of abortions as a result of people accessing counselling and receiving better information and better options.

MR BOARD (Murdoch - Minister for Multicultural and Ethnic Affairs) [4.50 pm]: I put on the record again that I find abortion abhorrent. I am against it; I do not support it and, in many ways I support the point of view put forward by the pro-life body of this Parliament. Where I differ with some members and the reason I have come down on the side of supporting some certainty in legislation in Western Australia is that I am reluctant to force my view onto other people. From the outset, for me, that has been the issue at the heart of the debate.

It is unfortunate that some people have considered the debate to be about those who do and those who do not support life in the womb. This is a debate about whether we force our personal convictions onto those who may not agree with us. Although I agree that Parliament has a leadership role in setting directions, whether we like it or not that direction has been set. In this instance we must bring some certainty into the Western Australian community. As I said last night during Committee, I have found it a difficult subject with which to grapple. I am very aware of the significance of my decision today on this Bill.

I have read every piece of information sent to me and seen many videos. I have endeavoured to come to grips with the situation as much as that information has allowed me. I must admit that I am far better informed than I was some months ago. I find it intolerable that 9 000 or more abortions are carried out in Western Australia each year.

In effect this legislation will provide some barriers to abortion in Western Australia. Although some people may not agree with that, the reality is that if we do what other States have done and pretend things are not happening in the community we will be turning our backs on women and other people who may seek advice and counselling. In fact those barriers may help to prevent some abortions occurring.

To that extent I agree with many of the comments made by members, particularly those of the member for Bassendean in the third reading debate. The Parliament must now bring down defining legislation. This is a watershed issue. We cannot walk away from it. As legislators it is incumbent on us to pass workable laws by which the community can live. At the same time, the Bill provides a defining set of principles. As I said during Committee, no stone should be left unturned or resources unspent in trying to prevent as many abortions as possible in this State. Education and counselling are critical. That is where the issue will lie.

In all of my discussions with people on whichever side of the debate, nobody has been able to tell me how we can force a woman to carry a child that she does not wish to carry. For me, that is the critical issue. Whatever my personal convictions, how do I do that? I cannot do that. That is where the Parliament finds itself. We must create some certainty which will allow women and the medical profession to make a choice with all the guidance and safeguards possible.

The issues raised about slavery and Nazi Germany are soul searching issues which go to the very depths of our human experience and humanity. One could also argue that those people were about forcing their views on people and taking away some kind of liberty. Although in this instance we may argue we are taking away the rights and the liberty of the unborn child, something I find very difficult to deal with, in the end I cannot force my view onto other people. I understand and accept entirely why others feel it is important and want to do that. However, I cannot. My sense of humanity goes out to women who find themselves in intolerable and difficult circumstances that I am sure nobody would seek. From that view, a humane position would be to understand and to have tolerance.

Having said that, it is incumbent on Parliament to send out messages that abortion is not acceptable and is not encouraged in any way in our community. We must put all possible safeguards in place as a result of this legislation.

In a front page article this morning *The West Australian* incorrectly reported that my position was inconsistent. It was not the fault of *The West Australian*; my vote on a clause was inaccurately printed in *Hansard*. I understand that is being rectified. I have been totally consistent throughout this debate. My view has always been to include provisions in legislation that require as much counselling and as many opportunities as it takes to stop women making the wrong decision about a termination of pregnancy.

I have supported virtually every amendment that has been put to include more safeguards in our legislation. I am disappointed that some of those provisions do not appear in the legislation. However, on balance, and given that we have retained much of the legislation in the Criminal Code and that many of the desirable safeguards have been included, I believe we must have some law in Western Australia. In the not too distant future this Bill may have to be revisited. Perhaps we can do more to support women in the difficult decision that they face.

I reiterate that this has been a difficult debate for everyone. We did not seek it and have found ourselves having to make defining, watershed legislation not only for Western Australia but also for other jurisdictions. If doctors in other States of Australia are charged, the Parliaments involved will face the same situation. From that point of view, this is defining legislation.

It has been very difficult to legislate principles and to put what has been an unfortunate practice for the past 25 years into legislation which provides some certainty and which, at the same time, sends out signals about the importance and sanctity of human life. I have not found that easy to grapple with nor to resolve. I hope that as a result of this difficult debate the people of Western Australia will appreciate the process by which elected members of Parliament have dealt with an extremely difficult issue and tried to do something for the benefit of the community.

MR THOMAS (Cockburn) [5.02 pm]: I will use the third reading debate to comment on the process of the debate rather than its substance. This has been one of the most interesting and emotionally trying debates that I have experienced in the Parliament since I arrived here and probably since the Parliament was established. The contributions made by the Minister who has just spoken and others have provided some high points. However, those contributions aside, and some others, it has been a dialogue of the deaf. People have reiterated the positions which they hold strongly but which have no common ground with those of others. That has contributed more heat than light to the very important issues involved in this Bill and frustrated the community, which has been looking to the Parliament for legislation.

I ask members to take a step backwards from the substance of the issue and consider the various propositions put forward by members. I will characterise those positions simply. Some argued that human life begins at conception and, therefore, abortion is wrong because it involves the taking of human life; it is thus a form of homicide and they passionately oppose it. Others believe that human life does not begin at conception, and therefore the termination of pregnancy is permissible because not to permit it is to impose an unwanted pregnancy on a woman, and that is a very profound form of assault.

The answer to this issue lies in the question of how one defines the commencement of human life. At what point does a foetus become a human being entitled to the protections that we afford an adult, a child or a foetus in the latter stages of gestation? Everyone would agree that an abortion in those latter stages would be a form of homicide and should not be permitted. However, that question cannot be answered by reference to developmental anatomy or statements about the form that a foetus takes at a particular stage of development. It must be answered by reference to some sort of values, religious beliefs or metaphysical propositions. It cannot be answered simply by stating facts; that is, empirical, anatomical development data.

I put to the House that those who have been asserting so baldly that human life begins at conception - that is, that a person at conception is entitled to the full protections we afford a child or an adult - do not really believe that. We have had some florid speeches in which members have referred to mass murder, drawing comparisons with Nazi Germany. With respect, I suggest that those people do not believe that. If they believed that 8 000, 9 000 or 10 000 children are being put to death each year, we would have a civil war. If I believed that a King Herod-type character was putting 10 000 children in this State to death each year, I would take up arms, as would all members. The nature of the proposition is that if they -

[Interruption from the gallery.]

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): At this stage of the debate the Chair will not tolerate any interference from the gallery. Since I have been in the Chair there have been no interruptions, and I will tolerate none. Those in the gallery should listen to the speakers on both sides in silence.

Mr THOMAS: I suggest that if the people who have been advancing that sort of rhetoric looked into their heart of hearts, they would admit that they do not believe it. Although no-one can answer the question of when human life begins without reference to some metaphysical or religious beliefs, they must concede that there is a qualitative difference between a foetus in the early stage of gestation and one in the latter stages and, of course, after a child has been born. That is reflected by the fact that there is no unanimous answer to that question from people who hold religious views. People who believe in the same Holy Scriptures and who claim to be equally Christian come to different conclusions when addressing this question.

The most interesting correspondence I have received in respect of this issue - I assume most other members would have also received it - was the letter from the Perth presbytery of the Uniting Church of Australia, which stated that people who are equally Christian can come to a different answer on the question of abortion and when human life begins. Are those who would say, on the basis of Christian beliefs, that abortion should not be permitted under any but the most extreme circumstances, any less Christian? This is the point we should address. Given that the question of when human life begins cannot be answered with certainty or without reference to religious or spiritual beliefs, and that people have different religious or spiritual beliefs, should they impose their religious imperatives on other people, using the weapons of the State? That is the nub of the question. Do we want to live in a society where one group is able to enforce its religious imperatives on the rest of the community? Do we want a society in which fundamentalists or a particular Christian doctrine can be forced on the community as a whole simply because a group of people may be able to gain a majority in this Parliament? I believe that would create a very intolerant society, a society that I would hope we as a Parliament would not want to create in Western Australia.

As I have done on a number of occasions in this debate, I would like to cite the example of Mario Cuomo, the former Governor of New York. He has been cited many times in this debate, in particular his address at the University of Notre Dame in the 1980s. As a practising Catholic who believed that abortion was wrong, he had to grapple with what he would do as the Governor of a State which was diverse in its ethnic and religious composition and in which a number of people would be seeking abortions. His response was that as a person who believed that abortion was wrong, his job was to preach - as it were - to try to advance the views that he held; to persuade people to his point of view. If he were not able to do that, it was not the role of the State to impose his religious imperatives on other people. That is a very profound view, and one that legislators should consider. We should create a tolerant society in which people believe that if that is their view it is then their job to attempt to persuade others to that point of view, but not to impose that view upon others by legislation which ultimately would result in criminal sanctions and the imposition of gaol sentences.

The passage of this Bill will be a significant breakthrough in the introduction of the notion of informed consent in legislation; and recognition that alternative courses exist for women who are contemplating seeking an abortion. From my own experience I believe that an alternative that is not explored or available often enough, but should be, is adoption. There was a time when there was a stigma of illegitimacy, which I do not think exists now to any significant extent in our community. In the past, unmarried mothers were used to produce children for adoption for childless couples. As we have heard from the member for Mandurah and others, it was a traumatic situation when women had to relinquish children if they had no other way of supporting them. However, it is possible to have a child adopted either within the family or another big family which can care for the child but allow the natural mother to maintain continuous contact with that child. The child can then acknowledge the mother and have the emotional satisfaction that goes with that. The mother can also receive assistance from other people if she is unable to raise the child herself, for whatever reason. That practical solution should be used, advanced and presented as an alternative to women who are contemplating abortion. Women could avail themselves of that alternative. In many cases that would be a practical alternative which would lead to a reduction in the number of abortions procured.

That is my strong view, and one that I believe should be advanced in the community more often than it is. However, I do not believe it is my job as a legislator to impose that course of action on other people. People who believe that abortion is wrong or undesirable should go out into the marketplace of ideas - one could say - advance their cause and attempt to persuade women that it is an option that they should take but that option should not be imposed on the community by legislation. We should create a tolerant society in which people are free to follow their conscience. Those who have different views on abortion should be free to advance those views and to practise them but we should not impose, by legislation, the religious imperatives of one group on people who think differently.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [5.17 pm]: I support the third reading of the Bill. I am convinced that when this Bill is finally proclaimed there will be fewer abortions in Western Australia. I am disappointed that we did not move the provisions of the Bill into the Health Act. Some provisions will remain in the Criminal Code; however, this is a Chamber of individuals and generally we have moved in the right direction. We have left the decision whether to carry a child to full term in the hands of the person most able to make that decision; that is, the mother. This is a very positive move as the legislation does allow choice, and the choice goes both ways. A woman can choose to continue a pregnancy to full term. There is no mandate to say that she must abort

under any circumstances. Conversely if a person finds herself in the most unfortunate and terrible position of needing to abort, after a lot of soul searching, she has the right to make that decision also.

Overall, this is what I call a true choice for the people concerned. My objective, as I outlined in my contribution to the second reading debate on the Foss Bill, was to move the whole issue into the health arena so that we might be able to take control of the situation. If we have control of the situation we can begin investigations. We can start collecting data and working towards finding out why almost 10 000 women each year in this State have abortions. This Bill will allow us to do that, even though some provisions remain in the Criminal Code.

The motion by the member for Collie which was agreed to almost unanimously last night, will allow us to begin data collection almost immediately. The Bill must be reviewed in three years, and we can collect that data during that time. We will be able to find out why people do not use birth control methods; why they get pregnant in the first place and, once they are pregnant, why they feel they cannot carry the pregnancy to full term. We can begin programs almost immediately in an attempt to reduce the number of abortions procured each year in this State, which currently is about 10 000.

It also extremely important to correct the myth which has been bandied around this Chamber over and over again by the anti-choice lobby that those people, such as I who supported the woman's right, with her partner and family, to make her own choice based on her circumstances, are pro-abortion. I categorically state that I, like almost everybody in this Chamber, am not pro-abortion. I am sure that all members feel as I do. In an absolutely perfect world, society would have no abortions. The Bill, if passed, will allow each woman of reproductive age in Western Australia to have the right to decide her own future. Members must reject the guilt that has been attempted to be heaped upon us, because it does not stand up. Members have done no more nor less than proper legislators should do to put the rights and responsibilities of reproduction in the hands of the prospective mothers - those people who are most involved. I reiterate that pro-choice is not pro-abortion. We find abortion just as distressing as do most Western Australians.

Members, as legislators, know that we do not have the right to force such a personal decision on a woman and force her to continue her pregnancy if she is unable to. That is the nub of this whole situation. Having a child is a lifelong decision. I babysit for my children and love it. I have another grandchild on the way. Right up to the day I die, they will still be my children.

Women are thinking beings and are reaching the stage where they have equal rights in our society. That is the way it should be. Women should have the responsibility to make their own decisions.

I put on record my contribution to this legislation when I move the informed consent provision, making it mandatory for women to be offered counselling, so that they can talk over their problems and concerns with the doctors or other counsellors. They will be fully informed when they make a decision to abort or to continue the pregnancy to term. The words "informed consent" mean that. Women must be offered counselling, and counselling is part of the beginning of assisting us to find out why women want to abort, and, at the same time, to try to save some of the abortions that are so prevalent in our society at the moment. That counselling will help women, whether they decide to terminate or carry on with the pregnancy. Women will not be told that they are criminals, but will be offered support, which I believe is the right way to go.

Most Australians are neither radical anti-choice nor pro-life; nor are they blasé - they do not believe that abortion should be a birth control method. The Western Australian community today will agree with this Parliament that a woman who, with good reason, does not wish to be pregnant should be able to have a safe, legal abortion. Women do not deliberately become pregnant and put themselves in that position if they do not want to become pregnant. It is right, democratic and just for them to have a safe termination and not go back to backyard abortions. My mother's best friend died as a result of sticking a needle up herself in an effort to procure an abortion. Perhaps that is why I am so strong in my conviction on this issue.

People need to go to the source of the problem and improve sex education in our schools. They need to ensure that all students and young people know the consequences of sex without contraception, and the consequences of not using birth control. Above all, people must not allocate blame. Let us hope - as I believe it will - this Bill starts the process of diminishing the large number of terminations in Western Australia. I support the Bill.

MR HOUSE (Stirling - Minister for Primary Industry) [5.24 pm]: I support the third reading of this Bill and urge all members to do likewise. It would be unthinkable for it to fail at this point, because it would put us back into a position where the community did not have a clear law, where women were put at risk, and where members, as a group of legislators, would be forced to discuss and debate this issue again to come up with a clear indication of our view to the people of Western Australia. This has been a very orderly debate. It has been emotional, difficult and trying for many people. I have not spoken very many times, except to make my views known on the key issues. All

members in this Chamber, no matter what views they hold, can be proud of their position. I did not agree with one word of the speeches of some members, but members must be respected for the way they put forward their views and their genuine beliefs. I do respect them.

However, the numbers clearly indicate that this law needed to be changed, and the people we represent want it changed in a certain way. The Bill is a compromise. As the member for South Perth said this morning, a number of provisions have been added to the Bill, as a result of this debate, that may not have been included had this House accepted the original proposal some weeks ago. Those amendments are very positive and they have been supported by the majority of members in this Parliament. I have listened intently to many of the speeches. My colleagues the Minister for Housing and the member for Maylands have had quite an influence on my decisions to support or reject amendments at the Committee stage. They are both practical people, they are medical practitioners, and they have dealt with these issues. They have given this Chamber an understanding of the situation and an opportunity to see things from a practical point of view.

I spoke on the first day the Foss Bill was debated two or three months ago. I clearly said that, although members would rather not debate this issue, they had to confront it in a proper and sensible way. That has been done. I also said that, as members of Parliament, there was nowhere for them to hide. There is nothing more public than being a member of Parliament faced with the need to support one side of a debate or issue. Members are used to doing that and defending their position, but not often are they called on to make decisions on issues of such moral standing in the community. It is easy for members of the public to proffer views on a certain subject, knowing they will not have to proffer a view the following day, week or year. However, members of Parliament confront these issues every week and their decisions must be publicly accountable. At times that has meant many members have wrestled with their consciences about the issues confronting them. Nonetheless, I believe this Parliament has basically made the right decision because, as much as is humanly possible, it should not sit in judgment on the moral issues for individuals. That is the key, and that is why the majority of members of Parliament supported the second reading of this Bill and will support the third reading. They agree that these decisions should be made by the individual and, as much as is possible, not by members of Parliament.

The week after next the Parliament will sit again, and I hope this debate will be behind members. Members will have a range of issues to discuss, as they have been in the past, in a fulsome way with all the accompanying emotion. Members can be very pleased that by and large this debate has been conducted in a sensible way that allows members to continue to represent the people of this State in a positive way.

Once again, I congratulate all members on their contributions to this debate. The majority have made a sensible decision that allows people the freedom to make their own decisions about moral issues that are not the responsibility of this Parliament specifically, but are decisions that should be made by those individuals.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [5.30 pm]: I will speak briefly, because I have spoken in this debate a number of times and my view is well known. Although I will oppose the third reading of this Bill, I believe that a number of improvements and protections for women have been put into this Bill during the course of the debate that will, hopefully, result in a reduction in the number of abortions in this State.

This debate has given members an opportunity to work across party lines, and it has involved an extraordinary dynamic. I do not know that I will ever again have the opportunity to work in such a way. This issue crosses all party lines. I have found it very interesting to work across party lines with people with whom I had previously had barely any contact, and to work with a great degree of trust, honesty, openness and fairness. I have also found it a great privilege, and it has given me a glimpse of the nobility of people in this place in being able to put behind them prejudices and party lines to work for something in which they truly believe. That has illustrated to me the great spirit of democracy in the workings of this Parliament.

The objective of this debate was to close the gap between the practice in Western Australia of abortion on demand and the law which forbade it. I am aggrieved at the law that I believe will be passed in this place, but I hope that the public debate and the awareness that has been raised in the community, the follow up activities of counselling and education, and the review process that has been added to this Bill, will result in a reduction in the number of abortions currently carried out, where one in four pregnancies in this State is terminated. I believe we all agree that is an appalling ratio.

I believe that abortion is a great violation of human rights. We have failed in this debate to look beyond the singular issue of the health of the woman and at the larger and more fundamental issue of the values on which our society is founded. I will close with a statement from Martin Luther King which supports my belief that abortion is a great violation of human rights and a gross injustice to the unborn child: Injustice anywhere is a threat to justice everywhere.

MR JOHNSON (Hillarys) [5.32 pm]: I did not say too much on this Bill in Committee. I voted for the amendments that I thought were good. I believe it is fair to say that every member in this Chamber would like to see fewer abortions in this State. This can be achieved in one of two ways: If a majority of members vote against the third reading stage, which is highly unlikely, or if a massive education program is conducted to try to ensure that contraception is more readily available and advocated by various groups in the community.

The reason I will not support the third reading of this Bill is that I drew a line in the sand on this issue when considering both this Bill and the last Bill. I spoke to many women, and the view they gave me was that they thought that abortion - termination of a pregnancy - was their right if their physical or mental health was at risk, or if the foetus was so deformed that it would have no quality of life if it went to full term. I accept that wholeheartedly. After that, I draw a line, because I do not believe that we can simply have abortion on demand.

It is not an enviable position that Western Australia will be the capital of Australia for abortions, and, indeed, the capital of the world, in line with China and Ethiopia. It will be a very sad day when that happens.

I believe this Bill will go through this House at the third reading stage. As I said earlier, I hope the Government and other groups will establish facilities so young girls and women are more easily advised on contraception. It is far better not to start a life than to terminate one. I am sure no members will disagree with that. If they do, I do not understand their thoughts. I hope the Government at some stage can fund more family planning clinics. I do not mean abortion clinics, but places where women and girls can plan whether they want a child now or later in life. They could be provided with free contraception and advice on the best way not to fall pregnant until they are ready to start a family.

I have had many letters from people from all over the country, predominantly those in the Catholic Church. I am not of that faith, but I am a Christian. The Catholic Church can play a part in this approach. The teachings of that church demand that women should not take contraception. The rhythm method and the abstinence method do not work today. They are outdated, and just will not work. I hope the Catholic Church will promote contraception to help women. It is a very long time since women have had any encouragement, not just from the Roman Catholic Church, but from any church. I am not knocking that church, but it has a very powerful voice and extreme feelings on abortion. If we are to reduce the number of abortions, everybody must get behind this objective. I have spoken with people in the Anglican Church, who have told me that it fully supports contraception. Because they do not like abortion - nobody does - they support contraception. I just hope the Catholic Church will listen. I ask all people who are involved with the Catholic Church to take back the message that it is far better not to start a life than to terminate one.

I will vote against the third reading of the Bill, as I did with the previous Bill. I hope the Government, all sorts of community groups and all the churches will find a way to help reduce the number of abortions in Western Australia.

MR PRINCE (Albany - Minister for Health) [5.38 pm]: I will make some comments without repeating that which I and many others have said in the past, much of which I agree with, some of which I do not. There is no point in going back over that which has been said before, simply to reiterate the point.

I do not see this as a matter of competing rights, and I never have. Women have, and should have, total control over their own lives and bodies insofar as any human being can have in a society. However, the destruction of a potential human life, in my view, is not a right of any individual. It is one of those things that has happened down the years in history. It is something most people do not like and wish would not happen, but accept that it does. That is a statement of observation of history and of our present time. It is not a matter of right, and should never be seen in this way, in my view.

Debates about when human life begins are simply a distraction and get us nowhere. There is no doubt that from the moment of conception what has started is the beginning of what could be a viable human being, and to destroy that is to destroy a potential human being. That is something that should colour the way in which anybody approaches this subject, irrespective from which side that person may come.

I also take issue with some people who claim that this has been a contest between those who favour abortion and those who support the right to life. I do not see it in that way at all. Although some groups can be labelled in that way, the vast majority of the members of this House and people in society are in the middle. They see some value on both sides of the argument. They are also much more inclined to look to the middle and ask, "What is the way forward and the way in which we in society should behave?" I have been part of this process only in this Chamber, but the process that this Parliament has gone through has defined what should be our society's abortion policy. The process has taken time and been a remarkable one, the like of which has not been seen in this State before, as far as I am aware. Some people with an interest in this subject have made totally ignorant, wilfully uninformed criticism of the Parliament and the way in which it operates. I not only defend Parliament against them but also uphold

Parliament. This is the only institution in society which could have dealt with a debate, not on morality, but ethics, in a way in which all parts of the ethical issue involved have been canvassed and explored, even if members did not realise they were doing it at the time, to the point where we have covered just about everything that could possibly have been covered when looking at this whole subject. The medical procedure is fairly simple and straightforward. The result of our debate is a determination of what should be the ethics in our society. I agree with much of the determination, but not all of it. I do not agree with some of the justifications that are now enshrined in the Bill that is to leave this House. I particularly do not agree with the justification that says a woman can have an abortion simply by complying with the informed consent requirement. The requirements should be stricter and should be those that derive from the Davidson case. That is my position and always has been.

The process that we have gone through has produced good legislation which should go forward. I urge the other place seriously to look at not only what we have produced in this House but also the reason for the debates and the profound thought that has gone into much of what we have done. Our work has been of value, as has that of the other place. Neither House has a mortgage on this; indeed it is a conjunctive exercise and each should respect the other.

I was unfortunately unable to be present for the third reading of the Foss Bill when it left this House. I was at a Sisters of Mercy hospital opening a new restorative care unit. It was a function that had been planned many months in advance. As my name was chiselled into a piece of granite, it would have been an insult to those involved had I not attended. I have made public statements and I will say again that I would have voted for that Bill to be read a third time, notwithstanding that I did not agree with all of it. I do not agree with all of this Bill either, and I have made that quite plain, but I will vote for it to be read a third time because the Bill should progress; it should leave this House and go to the other place to be considered. I trust the result will then be legislation which will be able to be proclaimed. There is much of value in the Bill and much with which I disagree.

One of the things which I hope is of value for the future is that from now on there will be a record of all abortions and much of the data relating to abortions; for example, the age of the mother, the sex of the foetus and so on. That sort of information, particularly from the point of view of targeted campaigns, for which many members have asked, to help people not to wind up with an unwanted pregnancy, will be of significance in the future. We simply do not have that information now. Insofar as something good may come out of this process, that is one of the good things. With that sort of information, I and any other Minister for Health in the future and health authorities will be able much better to work out how to educate and persuade people, so that a diminishing number of pregnancies occur where the mother says that she does not want to be a mother. It is quite plain that about 8 000 of the pregnancies in this State are simply the mother rejecting motherhood and in that sense those abortions are a form of contraception. The remainder are done for other much more difficult reasons. I am sure that many people who undertake an abortion think they made the right decision at the time, but regret it afterwards. It is a very difficult decision; it should always be a very difficult decision and never be presented as another form of contraception.

MRSWEETMAN (Ningaloo) [5.45 pm]: I support the third reading of this Bill. Like several other speakers, I have not spoken during the passage of this legislation through its second reading or Committee, so it is appropriate to comment at this stage.

I have tried to be consistent in the way I have applied myself to both the Foss and Davenport Bills. The only variation to my consistency, if one is to be pedantic, is that I was previously comfortable about removing every aspect of abortion from the Criminal Code. However, I was comfortable with this Bill to support the reinstatement in the Criminal Code of some acts pertaining to abortion. Everybody accepts that this is only a token provision and has no sinister implication for anyone involved in procuring or undertaking an abortion.

I made that variation because many people in my electorate, certainly over the fortnight recess, contacted my office personally or by letter or fax or phone - my wife received calls - on this issue; the response was overwhelming. Since and prior to arriving in Parliament, I have had extraordinary support from churches in my electorate on a range of issues, but on this issue my opinion is not supported by the churches. Bewilderment and even indignation have been expressed about the stance I have adopted, which was done with the best intentions. This is simply not a black and white issue, although it is not as complex as some people suggest. I had to make a judgment and I am happy to stand by it. Some people in the lay party have suggested that I am rather naive and that for political expediency I should have voted pro-life all the way through consideration. No votes will be won in Western Australia, particularly in my electorate, by voting for pro-choice as people expected us to reform the legislation to legalise what had taken place over the last 25 years. People will not change their vote on that count. I estimate that 20 per cent of people have been sufficiently wounded by this outcome to carry their indignation for a long time. If an election were held in the next six months, I would be certain to lose my seat, and I will probably lose my seat in two or three years' time. That situation can be linked largely to this legislation.

Mrs Holmes: Be positive.

Mr SWEETMAN: I am being positive; many good things are happening as well.

I suspect that this reaction is because the very foundations of many people's lives have been shaken. That is why I determined to allow the reintroduction of a provision into the Criminal Code. I hope the upper House does not tamper with that provision. Even though it is largely symbolic, it can be argued that the placement of some of these issue back into the Criminal Code will ensure that people can see that abortion is still an offence. Therefore, we will not totally destroy those fundamentals in people's lives.

I found it easier to argue a case with the people who put to me a moral point of view. After lengthy debate they were comfortable about saying that so long as an abortion was not instantly available and the woman had a chance to think it through and consider the facts it was her right to go ahead with it.

It has been impossible to argue rationally with the people who have taken a rigidly pro-life point of view for the rights of the unborn child. Irrespective of whether a woman is pregnant as a result of rape or incest, their view is that the unborn child has rights beyond those of the woman or her partner. I found that a little bewildering.

I do not want to belittle the contribution the church makes in our society. However, I get frustrated at its passive involvement in issues. I see a parody between its role and that of a football team: The church is a football team that never gets out of the huddle. It runs around the boundary while everyone else is in position on the ground waiting for the game to start. Occasionally it will make a query of the umpire as it runs around the boundary keeping everybody waiting. The church must learn to man up on people and infiltrate society the way it once did. It has been happy to withdraw and to comment on various issues as its members have seen fit. It has a huge responsibility. If it only looked deeply into its own organisation and brought about change it could still have a profound impact. In the light of the strong position the church has taken on this issue, I am very concerned it will not be able to offer a service or compassion to anyone who may need it as a result of seeking an abortion. The people who procure an abortion will feel as though they are under some additional condemnation as a result of the church's position. I see further alienation of the church unless it makes a deliberate attempt to offer compassion to the people who require it.

As a Deputy Chairman of Committees I was surprised at the inconsistent interpretation of our Standing Order No 178 and the equivalent in the other place. The member for Nollamara referred to the matter at the beginning of this debate. I will not wade too heavily into it because I do not want to eat dinner alone for too long! However, I am a little perplexed that two conflicting rulings were made on that standing order. I refer to the Land Administration Bill and the rulings made here and in the other place. I have some concern and feel frustrated that this House spent a great deal of time debating this Bill - close to 75 or 80 hours - and the upper House debated one Bill for 15 or 16 hours. Members in this House had an overwhelming workload and the task of this House was duplicated. I hope I do not have to endure a situation like that again.

Question put and a division taken with the following result -

Ayes (32)

Ms Anwyl	Mr Cowan	Ms MacTiernan	Mr Riebeling
Mr Barnett	Mr Day	Mr Marlborough	Mr Ripper
Mr Bloffwitch	Dr Edwards	Mr Marshall	Mr Sweetman
Mr Board	Dr Gallop	Mr Masters	Mr Thomas
Mr Bradshaw	Mr Graham	Mr McGinty	Mrs van de Klashorst
Mr Brown	Mr Grill	Mr McGowan	Ms Warnock
Mr Carpenter	Dr Hames	Ms McHale	Mr Wiese
Dr Constable	Mr House	Mr Prince	Mr Osborne (<i>Teller</i>)

Noes (22)

Mr Baker	Mrs Holmes	Mr Minson	Mr Shave
Mr Barron-Sullivan	Mr Johnson	Mr Nicholls	Mr Tubby
Mr Bridge	Mr Kierath	Mr Omodei	Dr Turnbull
Mr Court	Mr Kobelke	Mrs Parker	Mr Cunningham (<i>Teller</i>)
Mrs Edwardes	Mr MacLean	Mr Pendal	
Mrs Hodson-Thomas	Mr McNee	Mrs Roberts	

Question thus passed.

Bill read a third time and returned to the Council with amendments.

ADJOURNMENT OF THE HOUSE

On motion by Mr Barnett (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 19 May at 2.00 pm.

MATTER OF PRIVILEGE

MRS ROBERTS (Midland) [5.59 pm]: I wish to raise a matter of privilege relating to comments made by the Minister for Police in this House on Tuesday, 28 April 1998. I raise the matter now because it was only this afternoon that I obtained a copy of this morning's comments by Police Commissioner Bob Falconer as reported on ABC Radio which completely contradict the Police Minister's comments in this House. The Police Minister has both impugned my reputation and misled the House.

On 28 April, on page 2079 of *Hansard*, the Police Minister answered the following question from me -

- (1) What is the total cost so far to Western Australian taxpayers of the police operation at the Fremantle docks including overtime payments for the hundreds of officers involved; the leasing and fitting out of a warehouse near the community picket line; and the use of police helicopters and fixed wing aircraft?

I gave the Minister for Police notice of that question that morning. The week before that, *The West Australian* reported that I intended to ask the question. The Minister for Police answered -

It was interesting to note that last week the Opposition estimated the total cost of this operation to be \$2m. That is grossly overstated.

They are the words of the Minister. Further on he said -

The estimated cost of the operation so far over the past 13 days is \$500 000.

By way of interjection, the member for Belmont asked what was the total. He answered -

I have given the total. The member for Belmont should listen.

Never at any time has the Minister sought to correct his statement in this House, not even today after the Commissioner of Police contradicted him. The comments by the Commissioner of Police were reported on ABC Radio this morning. I read from the transcript of that news bulletin -

Police Commissioner Bob Falconer says upholding the law at the wharf is costing the department about one hundred and seventy thousand dollars a day.

The SPEAKER: Order! Under Standing Order No 138, members are entitled to raise a matter of privilege. That privilege is freedom of speech. Associated with that freedom of speech is a responsibility on members that we should not knowingly tell untruths or mislead the House. I know that from time to time people, perhaps unintentionally as it turns out, have said something that seems to be in conflict with the facts.

The difficulty in raising a matter of privilege is that there is no question before the Chair. The standing orders are relatively silent on the matter, which puts a big responsibility on me as the Speaker. I must ensure that there cannot be debate on the matter, with people to-ing and fro-ing. The way to handle this matter is to have some substantive motion in which each side of the argument can be developed.

I have given the member for Midland some latitude because it is the first opportunity to raise what she may believe to be a matter of privilege. However, I will not allow debate to ensue with other members getting involved by way of interjection. The member for Midland has raised, quite rightly, her concerns about this matter, and it is a potential matter of privilege. Should the member wish to pursue it, we can suspend standing orders in due course and bring on a debate on the matter, and then it will be properly and fairly handled. The member for Midland is probably getting close to bringing the matter to conclusion.

Mrs ROBERTS: Mr Speaker, thank you for your comments. I will bring the matter to a conclusion almost immediately. The figure of \$170 000 a day for 13 days amounts to \$2.2m. If we consider that eight days have passed since the Minister made these comments, eight times \$170 000 would be a further \$1.3m, potentially a cost of \$3.5m. However, given the date on which the Minister made the comment, 13 days times \$170 000 amounts to almost \$2m. To suggest that I or the Opposition had grossly overstated the amount - I am the opposition spokesperson for Police - quite clearly was to mislead the House. To suggest that the cost of the police presence for 13 days at the waterfront was only \$500 000 was also a gross misleading of this House. I give notice that at a later stage I intend to seek the opportunity to debate this matter.

The SPEAKER: We are getting into a debate. Members understand what the concern is and perhaps it will be addressed in due course.

MR DAY (Darling Range - Minister for Police) [6.05 pm]: The member for Midland has engaged in nothing more than a stunt for a large number of people and members of the Press in the gallery. The fact is that the information I provided to the House was based on figures given to me by the Police Service. That information was based on an estimate of the additional cost to the Police Service at that time. Quite obviously, as time goes on, the cost of the police operation at Fremantle increases. I would be surprised, given the two weeks or so that have passed since I answered the question, if the cost was not now in the vicinity of at least \$1m. The estimate of \$170 000 per day given by the Commissioner of Police was in relation to the cost if there were a major operation there involving about 500 police officers. There have not been 500 police officers there for the 13 days that the member for Midland has mentioned.

Ms MacTiernan interjected.

The SPEAKER: We are not having a debate on this matter.

Mr DAY: The information I supplied was based on figures provided to me by the Police Service and there was no misleading of the House.

House adjourned at 6.06 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

ATTEMPTED MURDER

2974. Mr RIEBELING to the Minister for Police:

- (1) In relation to attempted murder, is Western Australia now ranked No 6 as having the sixth worst crime rate for that crime in Australia as shown by the Government's submission to the Commonwealth Grants Commission?
- (2) If yes, was Western Australia ranked 8th in 1993?

Mr DAY replied:

- (1) According to the Commonwealth Grants Commission 1999 Review of State Relativities (Major Submission) which is based on 1995 data, Western Australia has the third lowest rate of the crime category of attempted murder.
- (2) Yes. However, since 1994 the rate of attempted murder in Western Australia has decreased by 5.7%.

FAIR TRADING COMPLAINTS

3233. Ms MacTIERNAN to the Minister for Fair Trading:

- (1) With respect to the Housing and Policy Directorate of the Ministry for Fair Trading how many complaints did the Directorate receive in each of the following years (beginning 1 January) -
 - (a) 1994;
 - (b) 1995;
 - (c) 1996;
 - (d) 1997?
- (2) For the same years -
 - (a) How many complaints were investigated;
 - (b) How many prosecutions were started;
 - (c) How many prosecutions were successful?

Mr SHAVE replied:

- (1) The Ministry of Fair Trading has advised that the Housing and Real Estate Policy Directorate was not created until the end of 1996. It is not, therefore, possible to provide statistics for any year before 1997. Therefore in relation to part (d) of question 1, I have been provided with the following information: The Ministry's records show a total of 1712 complaint files were opened and allocated to staff working in the directorate for the period 1 January 1997 to 31 December 1997.
- (2) The Ministry has provided the following information for 1997-
 - (a) All complaints were investigated.
 - (b) A total of 131 charges against eight individuals were laid.
 - (c) Successful prosecutions were concluded against three of these eight individuals involving a total of 37 breaches of legislation. The charges against the other five individuals are all pending. In all these cases, the matter has already been before the Court or relevant supervisory Board and a further hearing is listed.

BUNBURY REGIONAL PRISON

Escapes

3278. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Bunbury Regional Prison how many prisoners escaped from custody in the calendar years -

- (a) 1994;
- (b) 1995;
- (c) 1996;
- (d) 1997; and
- (e) 1998 (to 1 March)?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (a) 9 (Minimum Security, including one who did not return from Home Leave)
- (b) 1 (Minimum Security).
- (c) 2 (Minimum Security).
- (d) 3 (Minimum Security).
- (e) 2 (Minimum Security).

NEIGHBOURHOOD WATCH

3500. Mr PENDAL to the Minister for Police:

- (1) I refer to the formation of Neighbourhood Watch in various suburbs and ask, is Neighbourhood Watch regarded as an effective body in the fight against crime?
- (2) If yes to (1) above, what are the yardsticks by which that success is measured?

Mr DAY replied:

- (1) Yes.
- (2) Measuring the success of Neighbourhood Watch is difficult. There is not statistical information available at the present time which might provide a measure of success of the Program. However, a strong impression exists that areas having a well supported and visible Neighbourhood Watch membership have impacted on the levels of burglary and theft. The underlying principle of Neighbourhood Watch is one of the Police and community working together to improve safety and security, and to reduce the fear of crime.

FIRE SERVICES EXECUTIVES

Golf Tournament

3555. Mr RIPPER to the Minister for Emergency Services:

- (1) Did senior Fire Brigade executives recently travel to South Australia for a golf tournament using a Fire Brigade vehicle and fuel?
- (2) What, if any, disciplinary action has been taken?

Mr DAY replied:

- (1)-(2) Yes, a Fire & Rescue Service Regional Director accompanied by an Area Manager visited South Australia in October 1997 while on leave. The officer has an entitlement to full private use of a vehicle, however, by travelling interstate vehicle usage guidelines were breached. All fuel expenses were met privately at the time of the visit and an additional payment for vehicle usage was made in January 1998. The circumstances have been fully investigated and the error of judgement readily admitted. Vehicle usage guidelines have been reinforced and any further reoccurrence of this circumstance is not anticipated.

ALBANY PRISON BUDGET

3567. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

In relation to the Albany prison -

- (a) is it true that six months out from the end of the financial year that the regional prison was over its budget allocation for the entire year;
- (b) is it true that broken machinery such as washing machines and dryers are not being repaired or replaced;
- (c) is the prison population in excess of what was budgeted for at the commencement of the financial year;
- (d) is the sewage system at the Albany prison adequate for the current inmates, and have there been any breakdowns in that sewage system in the past twelve months;
- (e) is it a case that the current Albany prison is in excess of ten prisoners over its capacity;

- (f) why is the local sewage system not connected to the general population sewage system;
- (g) are there any health concerns in relation to the continual breakdown of the sewage system within the prison either for the prisoners or prison officers involved;
- (h) is the removal of refuse an effective system within the Albany prison;
- (i) that steps have been made to upgrade this system;
- (j) is the system the same as the Shire disregarded a number of years ago where it was emptied by hand manually into the back of a rubbish truck; and
- (k) what budget allocation is being made for capital works improvements in the Albany prison, and what if any increase in prison officers numbers are to be put in place to cater for the increased prisoner population?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (a)-(c) No.
- (d) Yes. The sewage system is adequate for the current number of prisoners, but the plant has not been operational due to mechanical failure twice in the past 12 months.
- (e) No. As of 9 April 1989 the prison muster was at its standard bed capacity of 186.
- (f) There are no general population sewage lines in the locality of the prison.
- (g) This question is best directed to the Minister for Health.
- (h) Yes.
- (i) A replacement vehicle has been ordered with specialised equipment to remove refuse.
- (j) Prisoners currently empty bins onto the back of a rubbish truck. This practice will cease in early May 1998, with the procurement of a replacement vehicle with an automated facility for emptying bins.
- (k) No budget allocation has been made for capital works improvements at Albany Regional Prison for 1998/99.

MINISTRY OF JUSTICE

Code of Conduct

3590. Mr BROWN to the Minister representing the Attorney General:

(1) Has the Ministry of Justice -

- (a) developed;
- (b) implemented,

a Code of Conduct?

(2) Have any divisions of the Ministry of Justice -

- (a) developed;
- (b) implemented,

a Code of Conduct?

(3) If so, which divisions have -

- (a) developed;
- (b) implemented,

a Code of Conduct?

(4) Which divisions have not -

- (a) implemented;
- (b) developed,

a Code of Conduct?

- (5) Has the Ministry of Justice -
- (a) proposed;
 - (b) approved,
- to develop an "umbrella" Code of Conduct for the implementation in all divisions of the ministry?
- (6) If so, will that Code of Conduct be -
- (a) developed;
 - (b) implemented,
- by the 30 June 1998?
- (7) Is the Minister aware if the Courts Division of the Ministry of Justice intend to develop a Code of Conduct pursuant to the "Guidelines for developing Codes of Conduct" issued by the Public Standards Commission in June 1996?
- (8) Have workplace committees been created in the various work areas of the Courts Division of the Ministry of Justice to consult with staff about issues relating to the codes of conduct which affect their work?
- (9) If not, why not?
- (10) If not, is there an intention that the Courts Division will consult with staff at all levels on the development and implementation of a Code of Conduct for that Division?
- (11) Is the Minister aware of an article that appeared in the March 1998 issue of "Just Us" which stated that the Courts Division of the Ministry of Justice intended to use its customer service charter as its Code of Conduct?
- (12) Does the Ministry of Justice use or intend to use its customer service charter as its Code of Conduct?
- (13) Has the Ministry of Justice received approval from the Commissioner for Public Sector Standards to use its customer charter as its Code of Conduct?
- (14) When was that approval received?
- (15) Does the customer service charter comply with the guidelines relating to the establishment of Public Sector Codes of Conduct and Codes of Ethics?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) (a)-(b) No, not as yet. See (2), (3), (5) and (6).
- (2) (a)-(b) Yes.
- (3) (a) The Office of the Public Advocate, the Public Trustee and Offender Management Division have all developed Codes of Conduct and the Courts Services Division's Customer Service Charter contains professional standards expected of staff. Codes of Conduct are also being developed in the Parliamentary Counsel's Office, Policy and Legislation Division, the Registrar General's Office, the Crown Solicitor's Office, Aboriginal Policy and Services Division and Corporate Services Division.
- (b) The Office of the Public Advocates' and the Public Trustee's Codes of Conduct and the Courts Services Customer Service Charter have been implemented and the Offender Management Code of Conduct is about to be implemented.
- (4) (a)-(b) See 3(a).
- (5) (a)-(b) Yes.
- (6) (a)-(b) No. A target date of August 1998 has been set.
- (7) See (9).
- (8) No.
- (9) The Courts Services Division does not need to take further action on a Code of Conduct as its Customer Service Charter sets out professional standards expected of staff and the Division's staff will also be bound

by the Ministry wide statement of values and principles being developed elsewhere. The Office of the Commissioner for Public Sector Standards is aware of this situation.

- (10) No.
- (11) See (9).
- (12) At the Ministry wide level, a document dealing with Code of Conduct issues will be developed separately to the "Justice Charter".
- (13)-(15)
Not applicable.

STRATA TITLE REFEREE

3593. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Minister aware the enormous workload on the Strata Title Referee is causing undue delays?
- (2) Will the Minister take steps to ensure the resources of the Strata Title Referee are improved so that matters referred to the referee can be dealt with expeditiously and in a timely manner?
- (3) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (1) In relation to applications to the Strata Titles Referee for orders, from the time that submissions close, the waiting time per application is variable. The variation in waiting time is attributable to the complexity of each application, the assessed urgency of each application as well as the number of applications that at any one time are awaiting determination. The Referee also at times appoints a Delegate to assist with the workload when this is needed. It is the Referee's aim to have all applications within 3 months of the close of submissions. With some applications this is not possible, due often to further submissions being sought from one or more of the parties, or an applicant seeking to vary his or her application, or raise additional matters or issues.
- (2) I am not persuaded that the Referee's present workload is excessive. However, the matter will be periodically monitored.
- (3) Not applicable.

QUESTIONS WITHOUT NOTICE

POVERTY TASK FORCE REPORT

1141. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the claim by the chairman of the poverty task force, Ian Carter, that he has been unfairly blamed by the Minister for a delay in the release of a report into poverty in this State, and to his statement that to try to say that the chairman sought an extension which is what held the report up is not a reality.

- (1) Will the Minister apologise to Mr Carter for attempting to make him a scapegoat for the Minister's incompetence?
- (2) Will the Minister apologise to this place for the Minister's untrue claims during question time?
- (3) Will the Minister apologise to the people of Western Australia for attempting to conceal the true extent of poverty under this Government?

Mrs PARKER replied:

I thank the member for the questions and find some of them curious.

- (1)-(3) The Government is on target to respond to the poverty task force. As I said in this place on Tuesday, the poverty task force requested a response from Government by the end of June. That is on target, and the

Government is confident of meeting that deadline. The comment about Mr Carter was made with regard to the fact that the original deadline for the task force report was in May of last year, and he requested that it be extended, to which I agreed. I did not say that he was responsible for the delay in the response. There has been no delay in the response. Mr Carter, in his final report, asked for the response by the end of June, and as I said on Tuesday, I am on target to meet that request.

POVERTY TASK FORCE REPORT

1142. Ms ANWYL to the Minister for Family and Children's Services:

Now that the Minister has admitted that she caused delay, will the Minister table the poverty task force report which was always expected without further delay?

Mrs PARKER replied:

As I said, there has been no delay. With regard to the release of the report, I wrote to the member for Kalgoorlie on the two occasions that she wrote to me. The first occasion was before I had received the task force report. The second occasion, which was this year, I advised the member that I was happy to brief her on the report of the task force after it has been to Cabinet, and prior to its public release. The public release has never been in question as I explained on two occasions in correspondence to the member for Kalgoorlie.

WESTERN AUSTRALIAN JOBS AND WAGES RECORD

1143. Mr OSBORNE to the Minister for Labour Relations:

The Minister informed the House yesterday of Western Australia's excellent jobs and wages record. Is the Minister aware of any information which indicates that this good record is likely to continue?

Mr KIERATH replied:

I thank the member for Bunbury for the question. Often with statistics, people look back in time; however, today, people are looking forward to the future. Morgan and Banks, Australia's largest recruitment company, surveyed 4 000 employers nationally to formulate the Morgan and Banks index. The index is the largest of its kind in Australia and tracks the employment intentions of employers of some 1.5 million Australians, so it is a sizeable survey. It is an accurate and well-recognised employment indicator. The latest index shows that the Western Australian job market will provide the highest job growth in the entire country. More people will be put on, and fewer will be put off, and it is the best result for this State in the past 18 months. I will give the figures because they tell a story. The net effect is that 27 per cent of organisations in this report state an intention to increase their work force in the next 12 months. Compare that with the national average of only 17.4 per cent. The national average is coming down, and ours is going up, and that was a 3.3 per cent increase on the last quarter.

This is wonderful news for all Western Australians, including employers, employees and potential employees, who will benefit from that job growth. I congratulate all the businesses that have been involved. No doubt one of the major contributors to this has been the labour relations system in this State, which encourages progressive employers and employees to get on with what they do best. This Government has also been providing infrastructure and encouragement along the way. I also congratulate some of my ministerial colleagues - the Premier, the Minister for Resources Development, the Minister for Commerce and Trade, and the Minister for Employment and Training - for these wonderful figures. We should compare that with the disincentives of the Labor Party. It frittered away the benefits of the boom of the 1980s when the community received no lasting benefit, but a legacy of debt.

This is more good economic news for WA. It is an indication of the coalition Government leading the way to give our children a very bright future in the employment stakes. That is something the Opposition could only ever dream about. This Government has provided real jobs growth, unlike the mickey mouse schemes and the empty promises made by the Opposition when it was last in government.

CRISIS SUPPORT FUNDING

1144. Ms ANWYL to the Minister for Family and Children's Services:

I refer to the Minister's pathetic response to my question yesterday with regard to the apparent funding cut for crisis support shown in the Budget. Assuming the Minister has now read the budget papers, will she explain why page 442 of the budget statements shows that the Government has cut funding to crisis support at the same time non-government organisations are reporting a greater than 50 per cent increase in demand for their services? Which specific crisis support services will receive less money next year?

Mrs PARKER replied:

I look forward to having more time to speak with the member for Kalgoorlie in the Estimates Committee and, as is the convention, to go through the details of the Budget. I have the details of the issue raised by the member yesterday and now provide the estimated net cost figures of the service to the member: The 1997-98 figure for crisis support was \$19.234m and the budget estimate for the 1998-99 period is \$19.108m. While there appears to be a reduction, there has in fact been an increase. The figure for the 1997-98 period was inflated by the inclusion of a carryover of \$440 000 from 1996-97 which resulted in delays of payments to a few agencies. Those delays were caused by the finalisation of compliance arrangements and obligations under agreements. Those payments were made in early 1997-98 and therefore inflated last year's figures.

There has been and will be no reduction of service. Taking into account the factors outlined above, the Budget for 1998-99 includes an additional \$314 000 for crisis support.

Ms Anwyl: I ask that the document referred to be tabled.

The SPEAKER: If it is an official document it is required to be tabled.

[See paper No 1387.]

MANDURAH ESTUARY SAND BYPASSING CONTRACT

1145. Mr NICHOLLS to the Minister representing the Minister for Transport:

Prior to this Government's commitment to provide for sand bypassing to be undertaken under contract, the annual silting of the Mandurah estuary entrance was a major problem for the Mandurah community for many years. Will the Minister indicate whether the sand bypassing contract has been successful and whether the current contract will be extended at the end of the five year contract period?

Mr OMODEI replied:

The Minister for Transport has provided the following response: Yes, the sand bypassing contract has been a success, and the channel has been open and the waterway fully accessible to the boating community since it was let. At the end of the five year period it is intended that the contract will be re-tendered and a further contract will be let to ensure the bypass continues to be operational.

GOVERNMENT MEDIA OFFICE

1146. Dr GALLOP to the Premier:

I refer to the Government Media Office which the Premier, when Leader of the Opposition, once described as a huge and sleazy propaganda machine. The Premier, when in Opposition, promised to halve the size of the GMO, but subsequently it has more than doubled in size.

- (1) Will the Premier explain why the budget statements tabled in this place last week make no mention of the GMO or its funding allocation for 1998-99?
- (2) How is the public supposed to keep track of the phenomenal growth of this agency, when the Government hides its funding from scrutiny?

Mr COURT replied:

- (1)-(2) I cannot comment specifically on where the funding is set out in the budget papers. I will get that information and provide it to the Leader of the Opposition.

ARMADALE-KELMSCOTT HOSPITAL

1147. Mrs HOLMES to the Minister for Health:

Will the Minister assure the people of the south east corridor that, contrary to the claims of the Opposition, a new hospital will be constructed at Armadale-Kelmscott, and also advise when it is expected to start?

Mr PRINCE replied:

I thank the member for the question and the opportunity to correct some of the statements made by the member for Armadale, again, on this matter. She seems to have a tendency to make comments without checking the facts.

Ms MacTiernan: You have been promising this hospital since 1993.

Mr PRINCE: The member for Armadale does not like to believe that which she does not want to hear. As I have said before, the member does not believe what she reads anyway unless Marx, Lenin or Trotsky wrote it. An amount of \$700 000 is allocated in the budget for 1998-99, for continuation of the planning that must be done before the building is started. An amount of \$42.6m is allocated in the forward estimates.

Ms MacTiernan: For which year?

Mr PRINCE: Over three years. It will take that long to build the hospital. At the moment there are requests for proposals to build, own and operate. As I have explained before - I hope the member will listen this time - depending on the result of those proposals and how they stack up, particularly with regard to funding and cost, the Government will proceed either through the private sector, or with a combination of private and public sectors, or through the public sector. The Government is looking at all the options for giving the people of that area a first class facility at the best possible cost, which the Labor Government failed to deliver for a long time.

ASSET SALE PROCEEDS

1148. Mr McGINTY to the Minister for Health:

I refer to the examples I gave yesterday of proceeds of asset sales being used to prop up public hospital budgets and the Premier's claim that "The proceeds from an asset sale are not necessarily spent the year the asset is sold. However, when replacement assets must be funded, those proceeds must be used to pay for them." I ask -

- (1) Has the money raised from the sale of Healthcare Linen and the Mt Henry land been used to fund replacement assets?
- (2) If so, which assets have been funded from this funding source?
- (3) If the funds have not yet been expended, where are they being held?

Mr PRINCE replied:

(1)-(3) I am pleased the member for Fremantle has accepted what is standard practice and good management of cash. When an asset is sold and the money raised is not immediately spent on a new asset, it is silly to place the money in an account and not do anything with it, particularly in a budget as large as the Health budget which has sundry demands at all times. The commitment made, for example, with the proceeds from the sale of the Mt Henry land is that the money will be returned to aged care, but there was no capital asset on which to spend the money at the time the cash was received. However, that is where it will be spent when those capital outlays are required.

Dr Gallop: It is very convenient.

Mr PRINCE: If the Leader of the Opposition had ever been involved in private enterprise, he would know what cash management means. His party's method of management was to rip \$400m from the third party fund and dump it into WA Inc.

Mr McGinty: Healthcare Linen?

Mr PRINCE: I cannot give a specific answer to the examples given, but I will obtain the information as I undertook to do yesterday for someone else. That information will be supplied. With regard to the location of the funds, they are used on a cash management basis to provide health care at all times.

Ms MacTiernan: It is recurrent spending.

Mr PRINCE: No, the member for Armadale does not understand either. It is a matter of always keeping the money available, by good cash management and budget management, for the capital works when it must be spent. If a mess is made of that, the money is not available. The Government has not done that. It has managed the funds well. I am sorry to say the previous Government did not.

WHITFORD CITY SHOPPING CENTRE

1149. Mr BAKER to the Minister for Planning:

I understand that the development application from the Whitford City shopping centre to extend its shopping centre has not yet been fully approved. Will the Minister please provide this House with a progress report on any litigation associated with the said application?

Mr KIERATH replied:

An application for substantial development at the Whitford City shopping centre, in the suburb of Hillarys, was refused consent in March 1997 by the City of Wanneroo, pursuant to the City of Wanneroo town planning scheme No 1. It was also refused consent in April 1997 by the Western Australian Planning Commission, pursuant to the metropolitan region scheme and applicable planning policies.

The owner of the centre has lodged an appeal against the refusals to the Town Planning Appeal Tribunal, which has partly heard the appeal. The hearing is presently adjourned, and is set down for completion from 15 June to 3 July. I have taken the unusual and rare step, as Minister, of making a submission to the tribunal to defend the planning system in operation in this State.

PATRICK OPERATIONS No 2 BERTH LEASE ASSIGNMENT

1150. Ms MacTIERNAN to the Minister representing Minister for Transport:

The Minister said yesterday that the berth lease for Patrick Stevedoring No 1 was assigned to Patrick Operations No 2 Pty Ltd on 1 October 1997, yet the deed of assignment was not signed until 1 March 1998. I ask the Minister -

- (1) When did Patrick first make an application for the assignment?
- (2) When did the Fremantle Port Authority consider the application for assignment?
- (3) When did the Fremantle Port Authority approve the assignment?
- (4) Was Russell Allen present at any of the meetings of the Fremantle Port Authority at which the matter of the assignment of the lease was considered and, if so, what meetings?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

- (1) On 11 December 1997.
- (2) At the board meeting held on 20 March 1998.
- (3) On 20 March 1998.
- (4) Mr Allen was present at the board meeting of the Fremantle Port Authority on 18 February 1998, when the board was informally advised that the authority had received a request from Patrick for the assignment of that lease, that the matter was being examined and that it would be presented at the board meeting of 20 March. Mr Allen indicated at the February meeting that he would withdraw from any deliberations on this matter. When the assignment was considered and approved at the board meeting of the Fremantle Port Authority on 20 March 1998, Mr Allen was not present.

ALL DAY PUBLIC TRANSPORT TICKETS, MANDURAH

1151. Mr NICHOLLS to the Minister representing the Minister for Transport:

Bearing in mind the length of travelling time on public transport between Mandurah and the metropolitan area, will the Minister consider holding further discussions with respect to the restriction period between 7.15 am and 9.00 am, during which pensioners and students from the Mandurah area are prevented from purchasing an all day ticket for public transport. If not, why not?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

The restriction of not travelling prior to 9.00 am for all users of concession Dayrider tickets was introduced in an effort to spread the peak loadings on the Transperth system. The Government subsequently eased this position by reducing the travel restriction to between 7.15 am and 9.00 am. Additionally, services were examined, particularly those operating in the more distant parts of Perth, and increased where necessary to ensure that services were available in outlying areas prior to 7.15 am. These actions received favourable comment. Transperth concession fares are already more heavily discounted than fares in other capital cities. The concession all day fare has a further discount because it is intended to encourage public transport travel during the off peak times when spare capacity is available. It is not intended for everyday use.

POLICE INFRINGEMENT NOTICES, FREMANTLE WHARF

1152. Mr MARLBOROUGH to the Minister for Police:

I refer to the actions of police officers yesterday and today in Fremantle, where dozens of people attending the community picket line had their vehicles examined and were issued with yellow stickers.

Mr Kierath: About time!

Mr MARLBOROUGH: Why is it about time?

Mr Kierath: Because if their vehicles are unroadworthy, they should have stickers on them.

Mr MARLBOROUGH: Perhaps we can get them to move into the Minister's electorate this afternoon.

The SPEAKER: Order! Perhaps the member for Peel can continue with his question.

Mr MARLBOROUGH: I ask -

- (1) Did senior police officers instruct their staff to target people participating in the picket line for traffic offences?
- (2) If yes, why was such an instruction issued?
- (3) Can the Minister confirm that some motorists were followed from the picket line to their homes, where they were issued with yellow stickers?
- (4) How many vehicles were stopped and inspected in the Fremantle area yesterday and last night, and how many yellow stickers and other infringement notices were issued?

Mr DAY replied:

I am glad the member for Peel has asked this question, because he and other members of the Opposition need to understand that the police have a responsibility to uphold the rule of law in Western Australia without fear or favour, and that is exactly what they have been doing. The police have a responsibility to ensure that people can go about their proper and lawful business without being impeded or obstructed. I am sure the member for Peel is aware that the police have received complaints from members of the public, who have said that they wish to go about their lawful business in and around the Rous Head area without interference, and that action is necessary to ensure unimpeded traffic movement. As a result, the police have been taking appropriate action.

What we have at Fremantle is not a picket, as the member for Peel said, but a blockade, where perhaps not so much today, but certainly over the past two or three weeks, certain members of the public have been blockading the roads.

Several members interjected.

The SPEAKER: Order! I remind the member for Armadale, in particular, that members can ask plenty of questions, but they are interjecting far too much. The member for Peel is sitting there very quietly and wants to get his answer.

Mr DAY: That blockade at Fremantle has obstructed decent, innocent members of the public from going about their business. In my view, members of the Police Service have acted professionally and properly in exercising their duties. I am aware that members of the Police Service have received criticism from both sides.

Some members of the public argue that the police have not been doing enough to enforce the law, whereas other people, such as the member for Peel, argue that the police have been engaging in harassment, which is clearly untrue. Yesterday, the member for Peel suggested that I as Minister for Police should direct the Police Service not to enforce the law in Fremantle in the way that it has been enforced. That may be the way the previous Labor Government operated in the WA Inc years, but it is certainly not the way this Government operates under the Westminster system.

The answer to the question is as follows -

- (1) No.
- (2) Not applicable.
- (3) I am advised that no persons were followed home by police for any purpose.
- (4) The police are not able to provide this information at this time because the returns have not been received from the officers operating at Fremantle.

POLICE INFRINGEMENT NOTICES, FREMANTLE WHARF

1153. Mr MARLBOROUGH to the Minister for Police:

I ask a supplementary question: Does the Minister for Police believe that an appropriate way for the police to enforce law and order in the Rous Head area at the Patrick picket line should be to charge people with, for example, "excessive use of an emergency warning device" - that is, the use of a horn - and "helmet not meeting Australian standards (nil stickers)"?

The SPEAKER: Order! The member for Peel has exceeded what is acceptable for a supplementary question. Therefore, I will not allow this as a supplementary question. However, if the member stands again, I will give him the call as soon as I can after the member for Swan Hills.

POLICE BUDGET, MIDLAND

1154. Mrs van de KLASHORST to the Minister for Police:

I was disappointed to read on the front page of the Midland local newspaper criticism of the Police budget on its allocation to Midland. Can the Minister assure the people of Midland that the Government has allocated a major amount in that budget to fund the proposed Midland police operations support facility, and advise of other initiatives in this area for the Police Service?

Mr DAY replied:

I am aware of a claim in the *Midland-Kalamunda Reporter* that the state Budget, not just the Police budget, handed down last week offers little to the Midland area.

Mrs Roberts: The member for Swan Hills should have paid attention yesterday. You gave us the answer yesterday.

Mr DAY: The member for Swan Hills may not have been in the Chamber at the time. Yesterday, the member for Midland asked those very pertinent questions. I take this opportunity of providing the information so that everyone will be aware of it.

Clearly the state Budget provides the same benefits to the people of the Midland region as it provides to everyone in the State in respect of responsible financial management, reducing debt and providing important infrastructure developments for the people of the State. With regard to Police budget in the Midland district, we have announced that a new police station will be constructed in Lockridge to replace the existing police station, which is very overcrowded and in need of replacement. Lockridge is within the Midland police district. More specifically, we announced earlier this year that a police operations support complex, which will have a capital value of approximately \$40m for the buildings, will be built on the site of the former Midland railway workshops. That is an exciting project for the Midland area, and I believe it will lead to other activities on that Midland railway workshops land.

With regard to the operations support complex, I can provide some more specific information to the member for Midland in answer to the questions that she raised during the debate yesterday on the matter of public interest. An amount of \$400 000 has been allocated within the Police budget for initial planning works for the operations support complex. In addition, the Government Property Office has allocated \$250 000 for an urban planning study to work out the best location on that site for the police facility, as well as to prepare for other planning for the area. That is a total of \$650 000 for planning works, which is a significant amount. In addition, the Police Service has advertised for a project manager and also a writer of briefs, and the appointment process for those two contractors is occurring now. A value management study will be undertaken in July, which will consider the best opportunities for the site, what should be included in the complex and what should not.

The SPEAKER: Order! Perhaps the Minister might quickly wind up his answer.

Mr DAY: Numerous meetings have been conducted within the Police Service and also with other government agencies to ensure the planning for this very significant facility occurs. A lot of detailed planning is required for this facility to come about, but it is well under way.

POLICE INFRINGEMENT NOTICES, FREMANTLE WHARF

1155. Mr MARLBOROUGH to the Minister for Police:

Does the Minister believe that while the clearance rate for home burglary throughout the State is at 11 per cent, police resources have been best used to bring about law and order by the police charging people on the picket line at the union gate of Patrick Stevedores within the past 24 hours with offences - I have 22 notices with me, but that is only

a small proportion of them and I will bring the rest to Parliament when it sits again - such as "excessive use of an emergency warning device", that is the horn of a vehicle, and "a helmet not meeting Australian standards (nil stickers)"?

The SPEAKER: Order! There is a difficulty with the question because the member is seeking an opinion. I could find that that is the case; however, I am sure the Minister for Police is capable of giving an answer which addresses the question. I will allow it, but give a general caution. It will be interesting to see what the member wrote down as a question.

Mr DAY replied:

In line with your advice, Mr Speaker, I will not express an opinion about the charges that may have been laid by police, except to say that I have complete confidence in the way in which members of the Police Service have been conducting themselves, upholding the law and going about their duties and responsibilities at Fremantle waterfront. The fact of the matter is that there has been a very significant issue down there over the past three weeks. A very large concentration of people has been seeking to stop others from going about their lawful business. It is a matter for the police officers on the ground down there to use their discretion about enforcing the law and ensuring people comply with the laws of this State.

Several members interjected.

The SPEAKER: Order! I am endeavouring to give the member for Southern River the call; however, if there is any further interjection across the Chamber which prevents the member asking the question, question time will finish very quickly.

WATER BORES

1156. Mrs HOLMES to the Minister for Water Resources:

My electorate encompasses the Jandakot water mound. Does the Government have any plans to restrict the number of bores or the quantity of water extracted from bores in the metropolitan area and, if so, when and how will this be implemented?

Dr HAMES replied:

I thank the member for some notice of this question. No. This Government has no intention of doing anything to restrict the number of bores or the amount of water extracted from bores, despite the fact that we have had a very dry summer and previous winters have resulted in reductions in pumping by the Water Corporation from some of its bores in some areas. By comparison, the water pumped from domestic bores is nowhere near as much. In some areas, we have been encouraging people to put down bores because of the extent of the clearing that has been done, thus removing natural bores; that is, the removal of trees from the metropolitan areas through development has resulted in many areas having a rising watertable.

Members may recall that towards the end of last year I released a press statement about bores. Through the Water and Rivers Commission we released a ground water atlas that gives very detailed mapping of the metropolitan area, showing the areas in which it is good to have bores and some where it is not. As an example, Cottesloe is on a spur where the excessive use of bores will draw in the sea water. That also applies in areas with wetlands and so on. As I said, in many areas we are encouraging people to put down bores. It stops them using scheme water, which is a valuable and very expensive resource, for their gardens. The ground water atlas is available in many places, including local libraries. If people want to find out details of the area in which they live, I encourage them to use the ground water atlas, and also to put down a bore if they are able to do so.
