

a little time into the content. However, I can say at the outset that the bill is so flawed that it should be entirely and totally negated. I do not believe it is in the best interests of this House to attempt to tweak little bits, to make minor amendments. We know that the bill is flawed. The Attorney-General has virtually admitted that by producing an amendment schedule, by virtue of the fact that he ran arguments in the press prior to producing this bill and then changed the intent when he produced it. It has been a moving argument, and I would say that it is an indication that the legislation is flawed.

I have talked about the size, the speed and the style of the act. I have indicated an amendment to the second act, which is an act that calls on the Commonwealth government to amend one of its acts. I have never seen such a thing. I have seen in this House a Remonstrance, letters, petitions; and committees of ministers where they pass resolutions to the contrary of the Commonwealth's point of view.

However, you know that this is a political act if you read the second reading speech. The second reading speech relation to the De Facto Relationships (Northern Territory Request) Bill 2003 (Serial 182) says that the Commonwealth has indicated it is not prepared to accept referrals from the states. It then goes on to say the requests will remain there until a Commonwealth government that is willing to take the stand against discrimination agrees to legislate for same-sex persons.

What we have here is a political stunt - it is a political stunt. You have a bill that I argue is *ultra vires*. I do not believe it is in the capacity of this parliament to pass bills calling on the Commonwealth to do something it does not want to do.

If we go down this line, we could say: 'Okay, we think the Commonwealth should bring the troops back from Iraq; we think the Commonwealth should do one thing or another'. I have talked in this House about a particularly discriminatory piece of legislation called the *Aboriginal Land Rights (Northern Territory) Act* and I have also tacked that in, because it could well be I am so foolish in matters relating to the law that I am wrong. The Commonwealth, when they see a Northern Territory act, says: 'Shucks! All those dudes up in the Northern Territory who do not like our act, notwithstanding that they are in existence by virtue of a mere statute from the Commonwealth in any event'.

Dr TOYNE: A point of order, Madam Speaker!! We are not debating this bill at the moment. This is

the referral bill to the Commonwealth. It is not before the House.

Madam SPEAKER: No, it is not cognate.

Mr DUNHAM: Okay, I will indicate that, having been given the opportunity to speak for another half hour on this bill, I will do so, because it is pretty foolhardy. I will leave that, apart from indicating that I will be seeking to amend that bill in the interests of getting rid of some poor discrimination. It is a poor style of debate where you run a bill of this size, this complexity, at this speed; you vilify various people with diverse views; you gag debate; you do not consult; and where your media lines are not reflective of the debate. That is a pretty foolish package of things to do.

The twinning issue I have talked about is a matter for the minister. If he saw fit to create a nexus between paedophilia, child abuse and homosexual law reform, that is his problem. I can assure you that, if people have that notion in their head, he has merely reinforced it. The minister has to tell us about how community participation was achieved, and he has to tell us about the committee's view and how it was ascertained. I would have no problem with taking this bill to the community because, as a parliament, we are not very interactive. There are people here sitting in galleries who are warned by yourself, Madam Speaker, not to interject or make noises and to sit in total silence. That is really not a good way of passing laws. I believe we have to leave this building. We have to go out to remote communities and other communities and talk to them. We have to ascertain their view, and find out whether we are really, truly, reflecting their view in this place. It is my understanding and my belief that we are not.

It is also necessary to talk about some definitions, and I am glad that my colleague, the member for Brennan, has defined what a child is. There are some other definitions might be interesting. If you are going to debate something, you should first define what it is you are talking about. For instance, if you look at the intent of the Darwin Community Legal Service, it is quite simple put: 'Our aim is to ensure that all people are equal before the law regardless of your sexuality'. It then goes through the main portion and, instead of using the word 'sexuality', it uses 'gay, lesbian and bisexual'. I would caution members not to use those words interchangeably, because sexuality has a totally different meaning to gay, lesbian and bisexual.

If you really want to be specific, minister, you will desist from using the word 'sexuality', which I will now define for you. 'Sexual' means 'of or characterised by sex, characterised by the union of