

## EQUAL OPPORTUNITY AMENDMENT BILL 2009

Second Reading

16 September 2009

**DR M.D. NAHAN (Riverton)** [4.50 pm]: I stand in support of the bill. Every member has basically said that they support breastfeeding, as I do. I have more experience than most people. My wife and I have two children who were breastfed. I am one of the older of 13 children, twelve of whom were breastfed, usually in my presence. I think that by the time the last one was born my mother was worn out and after 13 babies she resorted to bottle-feeding. This bill deals with not only breastfeeding, but, if I read it correctly, also bottle-feeding. Most of us modern fathers also fed our children; in fact, we were very active in feeding the children at night or whenever it was needed. Of course, this might apply to men. I have a new age brother-in-law who breastfeeds his children.

Several members interjected.

**Dr M.D. NAHAN:** I hope not. He has a vest. My sister expresses milk and he puts a bottle in the vest and breastfeeds the baby. It is an ugly sight. He often goes out to shopping centres and other places and breastfeeds the baby.

**Mr B.S. Wyatt** interjected.

**Dr M.D. NAHAN:** I do not know what the member meant by that. Anyway, he breastfeeds the baby and he gets more complaints than my sister, for valid reasons. I do not know if this bill would apply to men breastfeeding.

**Mr P.B. Watson:** This is a serious matter.

**Dr M.D. NAHAN:** Yes it is, and that is the point I am getting at, if the member would listen. When we start putting laws such as this in place they lead to confusion in law and cause great difficulties for judges.

**Mr P. Papalia:** You do not support this legislation.

**Dr M.D. NAHAN:** I just said that I did. The member should take the stuff out of his ears and listen.

**Mr P.B. Watson:** Why didn't you support it the other day when you had the opportunity?

**Dr M.D. NAHAN:** I have no problem at all with supporting the need to eliminate any discrimination for men or women who breastfeed children in public or otherwise. Particularly when I was young, there was pressure on women not to breastfeed. There was then an appropriate change to encourage women to breastfeed because there were clear medical and other grounds for it. Many women were reluctant to do so or were forced to go into rooms out of the way and out of sight to breastfeed their children. There has been a very positive sea change. I have not seen any evidence to indicate that discrimination is widespread or that judges fail to read the law as it is and uphold grounds for discrimination. However, I accept that it might happen.

**Mr A.P. O'Gorman:** You are supporting it because you have been forced to.

**Dr M.D. NAHAN:** No, I support the bill.

**Mr P.B. Watson:** You did not talk the other day.

**Dr M.D. NAHAN:** I did not talk. I am usually quiet because I am astounded by the quality of the debate on the other side, and I am stunned most days. We hear over and over again from members opposite of the need to leave discretion to judges and not to encumber judges with restrictions on their decision. Things are complex and the damndest things

happen, so things get interpreted in different ways and words mean different things to different people. It takes a long time to build up case law.

**Mr P. Papalia:** You sound like you do not support this bill.

**Dr M.D. NAHAN:** I do not care what the member says. I support the bill as applied to breastfeeding. The fact of the matter is that the bill will amend the act by specifying a single form of discrimination and restrict it. My concern does not lie with breastfeeding but with the fact that this is a Trojan horse and that the real aim of this is to find something kosher, such as breastfeeding, and get it specified in the act, and then bring behind it a whole range of other more questionable matters. Indeed, I think there is an agenda here to bring in a whole range of matters.

Several members interjected.

**The ACTING SPEAKER (Mrs L.M. Harvey):** Order, members!

**Dr M.D. NAHAN:** The Commissioner for Equal Opportunity, a person well known to this house, has made recommendations to introduce not only breastfeeding but also 22 other changes. I will spend some time going through them. The first recommended change is on breastfeeding. We all agree with that. The next is on bullying. That is a big issue and a really big problem in schools. As a person who went to a boarding school, I know that bullying was a real issue. What does bullying mean? Would it apply to this place? I do not think so. The next is on place of residence. Are we going to discriminate against people who live in Dalkeith? I do not think so. What does it mean? This is the one I like: it is on vilification on any grounds.

Several members interjected.

**The ACTING SPEAKER:** Order, members! Member for Mandurah! Members, we are having difficulty hearing what the member for Riverton has to say. He has the call.

Several members interjected.

**The ACTING SPEAKER:** This is not an opportunity to argue with the Acting Speaker.

**Dr M.D. NAHAN:** The recommendations include one on vilification on any grounds, so if a Nazi is out there and we complain about him, it could be brought forward before the Equal Opportunity Commission.

Several members interjected.

**The ACTING SPEAKER:** Member for Mandurah, I call you for the first time.

**Dr M.D. NAHAN:** The recommendation is on vilification against any group that has a history of, or is currently at risk of, being vilified or victimised.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Order, member for Warnbro!

**Dr M.D. NAHAN:** The next is religious vilification.