

## SURROGACY BILL 2008

### *Committee*

Resumed from 26 November. The Deputy Chairman of Committees (Hon Sheila Mills) in the chair; Hon Simon O'Brien (Minister for Transport) in charge of the bill.

#### **Clause 3: Terms used in this Act —**

Progress was reported after Hon Helen Morton had moved the following amendment —

Page 2, line 14 — To delete “a person or”.

**Hon HELEN MORTON:** Further discussions on the amendment took place after this chamber adjourned yesterday. The way forward is to test the will of the chamber after members have had the opportunity to comment on the amendment. This amendment will affect other clauses in the bill. I will say a few words about this amendment and then listen to other members to gauge the feeling of the chamber on whether we should progress the amendment.

One of the issues raised in the debate yesterday was that the Interpretation Act would make this amendment irrelevant. Clause 3 states —

... to become pregnant and give birth to a child and for a person or persons ...

In other words, the plural means the singular and the singular means the plural. If that is the case, why was the bill drafted in such a way? By going forward with this amendment, I am endeavouring to tidy up the bill, even if it does not make a difference to the wording of the clause. It is unnecessary for both words—“person” and “persons”—to be in this clause. The amendment is relevant irrespective of whether it will effect the change I am seeking.

Similarly, the same thing will apply to the next amendment on the supplementary notice paper. Clause 3 also states —

... for a person or persons other than the birth mother (the *arranged parent* or *arranged parents*) ...

Again, the Interpretation Act suggests that the plural means the singular and the singular means the plural. Therefore, if the next amendment were passed, it would tidy up the legislation irrespective of whether it effects the change I am seeking, which I think it does.

Members asked what impact this amendment would have on the Human Reproductive Technology Act and whether it will still allow individual women to access IVF. The amendment on the supplementary notice paper to clause 67 would not change the ability of an individual person to access IVF for her own purposes. It would preclude an individual person to seek IVF for surrogacy purposes, but it would not change the ability of an individual person to seek IVF for her own purposes. I wanted to make that clear.

This is the moment that members must decide whether we want surrogacy arrangements for only eligible couples, as defined in clause 19 at page 10 of the bill as follows —

*eligible couple* means 2 people of opposite sexes who are married to, or in a de facto relationship with, each other and who, as a couple —

The conditions that apply include not being able to conceive or give birth to a child for medical reasons.

Do members want the surrogacy arrangements to apply only to eligible couples? Do members want the surrogacy arrangements to enable babies to be procured by single people and same-sex couples? Essentially, that is what we will vote on. Do members want to give a child the best possible option of being delivered into a family that comprises a mother and father? Do members agree with the research that clearly indicates that children in single-parent families are disadvantaged? I know that I am generalising, but do members want to pass legislation that will deliver children into that disadvantaged position? Whose interests are members considering when they make this decision? Is it the childless mother who desperately wants a child, because that is what surrogacy is, or is it the motherless child who desperately wants a mother, which is adoption? Members must understand the two distinct differences.

I believe that we should proceed with pure surrogacy, and that is what I have said previously. If we were to agree to pure surrogacy, this bill would sail through both houses in a short time and we would not have the difficulty we have now.

In four years, when the bill is reviewed, the option will be available to expand the legislation to include single people or same-sex couples. That can be done at a later stage. At this stage the objective should be to keep the legislation fairly narrow. With that in my mind, I recommend that we test the will of the chamber.

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**Hon BARBARA SCOTT:** The amendment before us was tabled in this place last Thursday. It has been on the supplementary notice paper for a week. Last night's explanation of whether a parent could mean two people or one person or one man or one woman did not satisfy the chamber. I ask the minister now whether he received overnight some more detailed legal counsel so that the chamber can move forward on this bill, which is what most members want to do. However, it is important that the chamber recognise that line 14 on page 2 of the bill is not clear. We were told last night that the Interpretation Act negates the use of the word "person" to mean one person. I think the chamber deserves a clearer explanation than the one we were given last night.

**Hon ED DERMER:** The question I asked last night, which was not answered at the time by the minister because of the adjournment, is similar to the question that Hon Barbara Scott has just asked. I will repeat the point on which I concluded my comments last night. I asked the minister whether the series of amendments proposed by Hon Helen Morton would not disallow access by single people to in-vitro fertilisation services for the purpose of surrogacy. I would be grateful to hear the minister's answer to that. Would he like me to go over that again?

**Hon Simon O'Brien:** Yes, please.

**Hon ED DERMER:** My question was whether the series of amendments moved by Hon Helen Morton would not disallow access by single people to IVF services for the purpose of surrogacy.

**Hon SIMON O'BRIEN:** I turn firstly to the matter raised by Hon Ed Dermer, which we were working through prior to the time for the debate lapsing. I respond in this way: the proposition that Hon Ed Dermer has put forward is correct. I will spell it out, because he wants it on the record. I think he phrased it a little differently the other night, but the intent is the same. He has just asked whether the amendments moved by Hon Helen Morton would have the effect of disallowing access by single people to IVF for the purpose of surrogacy.

**Hon Ed Dermer:** That is correct.

**Hon SIMON O'BRIEN:** At the moment, single persons are barred from access to IVF for the purpose of surrogacy, and the effect of Hon Helen Morton's amendments, which are before us, would preserve that situation.

**Hon Ed Dermer:** Thank you, minister.

**Hon SIMON O'BRIEN:** Is that clear? Does that directly answer the question?

**Hon Ed Dermer:** That is very clear; that directly answers the question I have been asking.

**Hon SIMON O'BRIEN:** Good. I do not wish to draw this out; I agree with Hon Helen Morton that the time is rapidly approaching when we can test the will of the chamber on the fundamental question, and we probably should proceed to do that. However, in relaying the response to Hon Ed Dermer just now, I also observe that single persons can currently access IVF, but not for the purpose of surrogacy.

**Hon Ed Dermer:** That is my understanding also, minister.

**Hon SIMON O'BRIEN:** I will go one step further on this specific amendment. As the member knows, the amendment will narrow the definition of "surrogacy arrangement". The concern that the chamber needs to consider is that removing from the definition the reference to the singular word "person" and, in a further proposed amendment, the singular term "arranged parent" could and, I believe, would mean that in other provisions of the bill that rely on the definition of "surrogacy arrangement" to, say, establish offences, those classes of persons excluded from the definition would not be subject to the regulatory regime that this bill seeks to construct. I think the honourable member understands that.

**Hon Ed Dermer:** Pertaining to matters other than access to IVF.

**Hon SIMON O'BRIEN:** Indeed. If ever there was a case in which we could look at things from two completely different perspectives, Hon Ed Dermer's case has invited us to do that. In large part, that is part of the quandary that members now have to resolve, and I hope we will do that very soon.

**Hon Ed Dermer:** We have succeeded in clarifying that quandary, I believe, minister.

**Hon SIMON O'BRIEN:** Yes. It is still difficult. It was difficult when we started and it was difficult when we debated this matter in the previous Parliament. Nonetheless, it comes down to the question currently before us.

Hon Barbara Scott also asked about the applicability of section 10 of the Interpretation Act 1984. I think it was raised not in this debate but in the context of an adjournment speech alluding to this debate. That is why it was not canvassed —

**Hon Barbara Scott:** It was raised from the table before the adjournment debate last night.

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**Hon SIMON O'BRIEN:** I do not believe I canvassed it at all, so Hon Barbara Scott has asked me to consider it now.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon SIMON O'BRIEN:** We were up to clause 3. Hon Barbara Scott asked how section 10(c) of the Interpretation Act 1984 might impact upon the interpretation of clause 3 of the Surrogacy Bill. That question was asked as a result of comments made about that section by Hon Robyn McSweeney in the adjournment debate last night. I would like to express my appreciation and admiration to my good friend and colleague for kindly doing that. Ultimately, the interpretation of the act is a matter for the courts, in accordance with the rules of interpretation, including those contained in the Interpretation Act 1984. I do not know whether I am capable of giving a definitive answer to how it applies here. I do not know whether it is worth using up the time of the committee discussing at length how I see the situation. I do not have a definitive answer to that question.

**Hon Ed Dermer:** I think your best estimate would be appreciated, minister.

**Hon SIMON O'BRIEN:** Not by everyone. The point being raised is that the term "person" can be read to include the plural and the term "persons" can be interpreted to mean the singular. It does not matter if these words that are proposed to be deleted are left in or deleted, in which case there is probably not much point debating the issue at any greater length. I would have thought that there was a difference. Because the wording of the clause contemplates both the singular and the plural, both apply, not one or the other. If the clause was constructed in a different way, we might have recourse to section 10(c) of the Interpretation Act. I am not a court and I cannot give a definitive view on it. At the very least, the construction of clause 3 provides a belt-and-braces approach to make it clear either way, whichever way it is interpreted, that everyone, whether it be a couple or a single person, is bound by the laws of surrogacy contained in this act. I think that is the intention.

I also offer another observation. If members want to delete the words proposed to be deleted by the amendment, it may or may not make any difference, depending on how the Interpretation Act is applied. If it does make a difference, it will make a difference in the way that I have already outlined, which is to remove a class of people from being held to the requirements of this proposed law. I do not think any member here sees that as desirable. Perhaps some do. That is a matter for them. The fundamental question of whether the house wants to provide that only couples will be eligible for surrogacy is a matter best contemplated under clause 19. There are some proposed amendments to clause 19 on the supplementary notice paper. When we eventually consider clause 19, I believe it will answer that question. How clause 3 is constructed is not germane to the resolution of that question. I caution members that if we proceed with this amendment, the government's view could inadvertently change and corrupt the broad definition in clause 3.

**Hon SALLY TALBOT:** I would like to make a couple of comments at this stage. I am happy to participate in a longer debate later. I appreciate what the minister is saying about perhaps being able to take up some of these issues in the context of another clause later in the committee stage. I want to make it absolutely clear to the house that we are not just engaged in a debate about semantics or the use of language. That is not to say that sometimes these kinds of debates about exactly what word is used, whether it is singular or plural, or which gender we are using, cannot be interesting. I always use the example of some of those old medical textbooks that used terms such as "when the patient has his uterus removed, he will do X, Y and Z".

**Hon Simon O'Brien:** You would need section 10(a) of the Interpretation Act for that.

**Hon SALLY TALBOT:** I realise that the minister is engaged in a process where he may feel he is getting too much information. I do not want to overload him. I took note of the comments made by Hon Robyn McSweeney in the adjournment debate last night.

**Hon Robyn McSweeney:** I thought I was very fair.

**Hon SALLY TALBOT:** The honourable member might have thought that she was very fair but there are many members of this house, me included, who find the content and tone of those sorts of comments the member made quite difficult and verging on the offensive.

**Hon Robyn McSweeney:** That's up to you. I thought I was very fair and I stand by them.

**Hon SALLY TALBOT:** I know that it is up to me. I am quite capable of making the point to the member. I am happy to chat to her outside the chamber if she is prepared to have that conversation.

I draw specific attention to the comments of Hon Robyn McSweeney last night when she said —

The intent of this amendment, I believe, was to not allow same-sex couples to have a child and, I think, for single people to not have a child either.

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I think that has led the minister to bite the bullet on this one and suggest where we might more appropriately discuss that question, if we are going to have this discussion.

**Hon Robyn McSweeney:** Will the honourable member go further and say what I did say about single people and different family arrangements, instead of picking out one bit?

**Hon SALLY TALBOT:** If the honourable member wants to engage in that, I am happy to address every single remark she made last night, but I have limited time now. I want to make a couple of points because I have a feeling that we will have to come back to this matter later in the debate.

This bill, which we have spent hours and hours debating, is about medical infertility. I am a member of the Standing Committee on Delegated Legislation, so I took part in the writing of the report that has been brought to this house. The committee has made it very clear throughout that report exactly what it was talking about. We are not talking about parenting; we are not talking about styles of parenting or parenting standards. If people like Hon Robyn McSweeney and Hon Helen Morton want to bring this debate on in this house, we are quite happy to engage in it, but it would be very unfortunate if the terms are couched in the kind of patronising language that we heard last night.

I spent a couple of minutes over lunchtime going through some of the comments made during the brief time we spent on the bill last night. It seems that as far as some honourable members on the opposite side are concerned, single people “procure” children. They do not conceive them or plan them; they procure them. It is that kind of question-begging and value-laden language that is going to seriously lower the quality of the debate we might have about this issue. As I say, this bill is not about parenting standards; it is supposed to be about infertility.

I know that honourable members take this bill very, very seriously. I have followed the debate closely and we have had some very telling and emotional contributions. Honourable members will be aware, if they have taken a close interest in this debate, of the amount of counselling that is built into the process by which people might eventually get to the stage of being able to enter into a surrogacy arrangement.

I want Hon Robyn McSweeney to know that I am not taking particular exception to her comments. Of all the debate we have had so far, in the last few moments after this debate last night, Hon Robyn McSweeney did a little summary in the adjournment debate which I am commenting on. I am not having any personal go at Hon Robyn McSweeney. To make comments like, it appears that any “Tom, Dick or Harry” can father a child under a surrogacy arrangement, is just a nonsense. I do not believe that any member of this Parliament who has looked at this bill could believe that the provisions have been left sufficiently lax so that any Tom, Dick or Harry can walk in. The counselling provisions that we endorsed in the committee report are very, very —

**Hon Robyn McSweeney** interjected.

**Hon SALLY TALBOT:** I am sorry; I did not hear the interjection from Hon Robyn McSweeney.

**Hon Robyn McSweeney:** That was just on the amendment. The first amendment is to delete “a person or”—the “Tom, Dick or Harry” amendment.

**Hon SALLY TALBOT:** I hope that we do get a chance later in this debate to tease out some of these comments. As I have already pointed out, the honourable member very succinctly summed up the intention of the amendment, which is to limit availability to people who somehow fit this quite strange, old-fashioned and outdated idea of a “normal” family.

I wind up my comments now with the observation that if any honourable members think that all the hoops can be jumped through to arrive at a stage at which people are able to enter into a legal surrogacy arrangement without having met some basic criteria about being a good parent in some sense, such members really need to go back to square one and start reading the background material again.

**Hon BARBARA SCOTT:** I thank the minister for the explanation that has been given in response to my query. I will inform the house that I am dissatisfied; that is, that is not an explanation to the question that I put. If the minister is satisfied with that explanation, could he justify why in this bill of his—I do not know whose bill it is; I do not know whether it is a government bill—we need these terms in the first instance if they do not mean what they say?

I have listened intently to members in this chamber. Hon Sally Talbot has just made the very interesting remark that we will have to return to this matter. As I said last night, this is the crux of the issue. I would prefer that we leave debate on this bill today and go away and get some proper explanation from the government on these matters: If this does not mean what it says here, can we redraft another clause 3? If the terms of the act do not mean what is written there in front of us, as most people would interpret it, please can we have a simple explanation to describe the terms of the act?

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**Hon GIZ WATSON:** Since this seems to be the opportunity to say a few things about the general thrust of the amendments that are grouped together, of which we are dealing with the first bit regarding whether we will delete “a person or”, I indicate that we all understand that the fundamental intention of this grouping of amendments is to limit surrogacy to “eligible couples”. I think it is very interesting that we had a full and thorough debate in the last Parliament—I admit members have the capacity to change their mind if they want to—and this matter was not pursued during that debate. Therefore, somehow there has been this shift in that certain members seem intent on significantly altering what this bill sets out to do.

It is interesting that when we have a conscience vote, it is a bit hard to tell who is who. Nevertheless, I assume that at some level, the government, including members in this place, made a decision to progress this legislation. What we are seeing now is a hijacking of the legislation by a very significant minority view. Like Hon Sally Talbot, I find this debate highly offensive on behalf of single women; that is, that this amendment would seek to reinstate discrimination in this state in the statute book. That is what we are talking about. These amendments will be in breach of the Equal Opportunity Act.

**Hon Robyn McSweeney:** I understood that last night.

**Hon GIZ WATSON:** Does the member support that?

**Hon Robyn McSweeney:** No.

**Hon GIZ WATSON:** Why is the honourable member supporting the amendments if she does not support a breach of the Equal Opportunity Act?

**Hon Robyn McSweeney:** If the honourable member had read *Hansard*, I was not supporting the amendment; I was merely pointing out that if that amendment went through, that amendment would be wrong because it would go against the Interpretation Act. That was what I was clearly trying to say.

**Hon GIZ WATSON:** I think we are talking at cross-purposes. The inference is to do with the Interpretation Act, whether “a person” infers singular and plural. In effect we are having a technical argument about this particular amendment, which is a little bit immaterial to the major debate. I am not disagreeing with the member; I think there is probably good legal argument that this is a moot point and that the Interpretation Act would simply sort this out. What I am talking about is the substantial amendment which is to discriminate against single women in this state and, by consequence, also discriminate against lesbian women in this state.

An interesting trend seems to be appearing in the new Liberal government. I think it is a very worrying trend, and that is what we are talking about. Hon Helen Morton, as the mover of these amendments, needs to acknowledge that there is a display of prejudice.

**Hon HELEN MORTON:** When someone talks about violence perpetrated by men against women and children in the context of this debate as a reason for specifically engineering families that exclude men, I think that it is rather discriminatory. Why would anyone discuss in this debate issues about men perpetrating violence against women and children? It is just ridiculous.

**Hon Sue Ellery:** You don’t actually understand what’s going on in this debate. That’s the problem here.

**Hon HELEN MORTON:** I probably understand it a bit better than the Leader of the Opposition does.

**Hon Sue Ellery:** I doubt it.

**The DEPUTY CHAIRMAN:** Order, Leader of the Opposition!

**Hon HELEN MORTON:** I am totally comfortable with clause 3 being almost irrelevant to the main debate on clause 19, which concerns the issue raised by Hon Giz Watson. I have said before, and I say again, let us pass over this clause because it is no big deal at this stage. As far as I understand it, it is no big deal. The amendment would make the clause tidier, but it will not make a significant impact on the granting of parentage orders to couples or singles; it will not make any difference to the outcome of that vote. If this amendment is passed, this clause will not make the case stronger or weaker. My view is that we should pass over this clause as soon as possible so that we can get to the main area, which is clause 19. I say again that it is a bit rich for someone in this chamber to talk about discrimination, when earlier in this debate a member spoke about violence perpetrated against women and children as if that were some form of justification for encouraging parenting arrangements for single women or same-sex couples. We already know that generally, the better parenting outcome for children is to have a mother and a father.

**Hon BARBARA SCOTT:** I ask the minister for a further explanation. This is a moot point and I do not wish to delay the progress of the bill, but other members have said that this clause could be passed over. If that is the

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case, perhaps the minister could take this matter up over the weekend and determine what is meant by the part of clause 3 that states —

**surrogacy arrangement** means an arrangement for a woman ... to seek to become pregnant and give birth to a child and for a person or persons other than the birth mother ...

Could the minister come back with an explanation and say either that it is for a “person”, which means a number of people, or it is for “persons”, which means one or two. The terms used in this bill have to be understood because all the other phrases depend on the terms set out in this clause.

**Hon SIMON O'BRIEN:** The clause states, “for a person or persons”. That is what it says. It means what it says—not either/or; no more, no less. I cannot make it any clearer than that, and with respect, I do not think that adjourning debate on the bill and thinking about the clause over the weekend will enable me to come back with any clearer explanation or definition than that. I am sorry if the honourable member is disappointed after looking to me for guidance in such matters, but it is as clear as that. We have reached the stage, Madam Chair—I appreciate that you are diligently applying yourself to progress in this debate—at which we are all agreed on what the key issues are. We now have a situation in which—after extensive and, in large part, productive discussion—the mover of the amendment has acknowledged that this clause is not germane to the entire debate. The mover of the amendment agrees with me that if we want to debate the central issue—the couples versus single person element—clause 19 is the place to do that. I do not intend to again go over all the matters that have been previously debated. The best thing to do with clause 3 is to let the definitions remained broad so that the clause will capture all those who may be involved in surrogacy at some stage in the future, within the parameters of a regime that regulates equally and equitably the practices of surrogacy, rather than run the risk of amending on the run, which will result in unintended consequences. I suspect that members in the other place will have quite enough fun with the semantics of this bill without us adding to it. I say that we should get on with it and put this clause to the vote.

**Amendment put and negated.**

**Clause put and passed.**

**Clauses 4 to 13 put and passed.**

**Clause 14: Terms used in this Part —**

**Hon HELEN MORTON:** I move —

Page 6, lines 25 and 26 — To delete the lines.

I seek the minister’s explanation. This clause concerns the order that gives parental status to arranged parents. Paragraph (b) of the definition of “arranged parents” states —

the person who, according to that definition, is the arranged parent;

My question to the minister is: in line with the discussion we have just had, does this clause make a difference to the effectiveness or otherwise of a proposed amendment to clause 19, regardless of whether it is passed?

**Hon SIMON O'BRIEN:** Hon Helen Morton has raised a very interesting point. The question before the chair is to delete lines 25 and 26 on page 6; that is, part (b) of the definition of “arranged parents”, which states —

the person who, according to that definition, is the arranged parent;

I make the following observations: Clause 14 relates to the definitions in part 3. This is somewhat like déjà vu, because the term “arranged parents” is referred to in part 1 under clause 3, “Terms used in this Act”, and relates to the whole bill. In this case, the term “arranged parents” is awfully similar and, indeed, in many contexts, precisely the same. However, the terms in clause 14, “Terms in this Part”, relate only to part 3 of the bill.

In answer to the specific question the member asked, no; I do not think it is the same debate. This definition is in two parts, and I believe that by its construction the definition is clearly intended to advise the interpreter of this bill that “arranged parents” of a child can mean —

the persons who, according to the definition of **surrogacy arrangement** in section 3, are the arranged parents;

It can also mean —

the person who, according to that definition, is the arranged parent;

To me, the construction of it means that it specifically considers two classes of person—the couple, if we like, or the individual. Therefore, due to its construction, it is not the same as the matter we have just discussed. If the

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member wishes to not extend the term “arranged parents” in this part to include an individual or single person, that can be achieved by the amendment Hon Helen has just moved.

**Hon BARBARA SCOTT:** I support Hon Helen Morton’s amendment. The clause Hon Helen Morton seeks to amend is in part 3 of the bill, titled “Order giving parental status to arranged parents”, and reads in part —

the person who, according to that definition, is the arranged parent;

Can the minister explain whether the Interpretation Act 1984 tells us that a person can be a person or persons; and whether the Interpretation Act, when applied to this phrase, is clear on whether it means a woman or a man? I think the chamber deserves to know what the Interpretation Act says. Are we talking about a person? To me, a person means the man next door to me or the woman in front of me. It is quite clear to me, but we have heard all this gobbledegook that the Interpretation Act gives it a different definition. Does it mean a single person? Can the minister tell the chamber whether he is sure that the words in clause 14—“parents” and “the persons”—mean “one person”? Does it mean a man or a woman?

**Hon SIMON O'BRIEN:** I am not sure that reference to the Interpretation Act 1984 is helping the consideration of this bill. Although the Interpretation Act is very useful for determining the meaning of a lot of things, I do not think we are intended to have recourse to it to find some hidden meaning in plain-meaning words. The member is asking me what “person” or “the persons” mean, and what is the gender. That is not what section 10(a) of the Interpretation Act intends; it is not meant to tell us the answer to that question. That section tells us that when a reference is made in an act to a “he”, unless there is a clear indication to the contrary, it also can extend to someone who is a “she”. However, this clause is not gender specific; it refers to a person, so it means a human being. However, other provisions in the bill, of course, lead certain persons’ gender to be identified. One of the prerequisites covering an “arranged parent” is to be a woman who —

- (a) is unable to conceive a child due to medical reasons not excluded by subsection (3); or
- (b) although able to conceive a child, would be likely to conceive a child affected by a genetic abnormality or a disease; or
- (c) although able to conceive a child, is unable for medical reasons to give birth to a child.

How do we know that? We know it because clause 19(2) contains the definition for “eligible person”. That is a very clear example of why we do not require recourse to the Interpretation Act, particularly given the definition is provided in plain language. I do not think the question of the gender of the person or persons alluded to in this clause is relevant to the argument, in the sense that I do not think it is something that needs to be determined at this point. However, in many cases the first requirement for arranged parents is a woman who fits the definition contained in clause 19.

**Hon GIZ WATSON:** I may be able to assist this debate, having been involved in preparing the standing committee report on this bill. This amendment may be misguided. As the minister has pointed out, this legislation allows a woman who is medically infertile or unable to conceive, carry or give birth to a child to enter into a surrogacy arrangement. This bill is not about providing surrogacy capacity for men. Rightly or wrongly, it does not do that. I may think that that is a good idea, but I am sure that the member speaking to this amendment feels quite the opposite. However, this bill is not about that, and it is a waste of our time to be putting up false propositions.

**Hon ED DERMER:** It is worthwhile for me to ask the minister again to make sure that the committee clearly understands what we are looking at here. Last time we tried this we had a degree of success.

**Hon Simon O'Brien:** Don’t go too often to the well!

**Hon ED DERMER:** I do not want to push my luck!

When we considered clause 3, I understood clearly the advice of the minister that he believed that whether the words used were “a person or persons” or simply “persons” was immaterial, and therefore it was better to have the basic issue resolved at a later point in the bill.

**Hon Simon O'Brien:** No, I said that if we want to rely on the Interpretation Act to find the meaning of that clause, it would be immaterial, so why bother to ask? That is what I am saying. My point was that there may be some unforeseen and unintended circumstances as a result of the amendment.

**Hon ED DERMER:** And that is right?

**Hon Simon O'Brien:** The first argument certainly was not mine.

**Hon ED DERMER:** The minister made that clear in terms of its significance for the general scope of the bill, and I stand corrected and happy that I raised it because it reminds me that he made that clear earlier. My question

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is: is this amendment, in its proposal to delete paragraph (b) of the definition of “arranged parents” in clause 14, a matter of greater substance for the intent of Hon Helen Morton to achieve a final bill under which access to in-vitro fertilisation measures for surrogacy is confined to couples, as opposed to individual people? Whereas, in the previous clause “person or persons” did not, in the view of the minister, impact on the fundamental question about whether surrogacy services such as IVF should be confined to couples, the part of the bill that is subject to this particular amendment is of greater material importance to the fundamental question that I believe is the intent of Hon Helen Morton’s amendments.

**Hon SIMON O'BRIEN:** I do not know whether this is going anywhere. I would have hoped that what I said before about this matter had been picked over sufficiently to make it clear—no more and no less. In my response to Hon Helen Morton I indicated that I think there is a difference between the construction of clause 3 and the construction of clause 14. I have already explained that at length, and I do not see how I can make it any clearer than that. If the construction of the meaning is a key point at issue, then maybe it is something that needs to be explored further. However, I do not get any vibes from the committee that it is too difficult to get a handle on. The definition states that “arranged parents of a child” can mean either one of two things. It can mean either the persons—plural—who are the arranged parents or, quite separately and under its own paragraph, the person—singular—who is the arranged parent. That is clearly how it is constructed. Therefore, one would think that, by all the normal rules for the reading of legislation, if Hon Helen Morton wishes to remove the reference to the singular, that would be done by supporting this amendment. There may be some legal opinions out there—I do not know, and I am not responsible for them—that might argue that “persons” could be interpreted by a court as extending to one person, if there is only one person available to fit into that definition when this is reviewed some way down the track. If the Committee of the Whole is genuinely concerned about that—I am not sure that it is—it would have to entertain an amendment of some other words to put that absolutely and completely beyond doubt. I will not try to construct that on the run, and I do not think it is necessary, but I do not see any such amendment on the supplementary notice paper; I did not see any such amendment on the supplementary notice paper the last time a bill similar to this one came before this chamber in the previous Parliament; and I did not see any such amendment suggested in the very extensive standing committee report that has helped guide this chamber in its deliberations on this matter. I suggest that we just get on with it. If members are in favour of the amendment, they should vote for it; and, if not, vote against it.

**Hon ED DERMER:** It appears to me that we have now reached the point in the work of the committee at which it is an appropriate time to debate the fundamental issue of whether it is appropriate for surrogacy to be extended to individual single persons and, by effect, to individuals in a same-sex relationship. I want to take the initiative in that sense from Hon Helen Morton; she can tell me shortly whether she has reached the same view. I have heard interesting contributions today from people suggesting that we need to be very careful to be respectful to everybody and to use terms that are respectful. Along with Hon Sally Talbot and Hon Giz Watson, I think that is extremely important. However, I also think we need to speak plainly and not be so concerned about the sensitivity of the language chosen that we interfere with our capacity to deal with the substantive issues.

I made my view very clear in my contribution to the second reading debate of this bill—and when the essentially same surrogacy legislation was debated prior to the election—and I, for one, have not changed my mind in the least. I very strongly put the case that it is quite rational and reasonable to take the view that a baby is best served by being brought up by a mother and a father—without any element of prejudice or ill will towards any person. I am looking at this matter entirely from the perspective of the welfare of the child. I would be horrified if people thought I was offering offence to anyone. That is certainly not my intention. It never would be. It never has been in the past. It is interesting to touch on the word “discrimination”. There are matters in which discrimination is not linked to prejudice. There are times when discrimination is wise and appropriate. I think the fact that people over 80 years of age are discriminated against because they have to go through more rigorous tests to be able to drive a car is appropriate discrimination. I do not think it entails prejudice. I think that when we are looking at the welfare of a child there are reasons for discriminating between the suitable and less suitable; that is, which parents will provide the best possible environment for a child rather than the alternative. I hope that I have managed to make plain use of English to make that clear.

The available body of scientifically-tested and sound evidence suggests strongly that children are advantaged by being brought up by a mother and a father.

**Hon Giz Watson:** That is untrue; quote me one study that proves that.

**Hon ED DERMER:** I am happy to provide Hon Giz Watson with copies of the papers that I have accessed through the Parliamentary Library. I do not have them on me at this time, so I will not table them, but I am very happy to provide at least some of those papers this afternoon.



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[COUNCIL - Thursday, 27 November 2008]  
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They are the essentials of my argument. I do not think there is any element of prejudice. Also, it is important to not confuse the prospective with the retrospective. Of course there are children who are badly brought up, neglected or abused by their natural mother or father or another adult family member in a parent role. Similarly, as I made very plain in my contribution to the second reading debate, there are instances in which the children of single parents and same-sex couples—who have children, usually from previous relationships—are extremely well looked after; I would never suggest otherwise. Examples of male-female couples who are parenting disasters can be cited, in the same way that single-parent and same-sex parents can be commonly cited for their excellent and highly successful child rearing practices. However, the scientific evidence—supported, I think, by life experience—is that the prospects of a child are best advantaged when that child has parents of both genders to provide the appropriate role models that are in keeping with the child's likely future life experiences. For that reason, and without any element of prejudice, I support the thrust of Hon Helen Morton's proposed amendment.

Amendment put and a division taken with the following result —

Ayes (11)

Hon George Cash  
Hon Donna Faragher  
Hon Anthony Fels

Hon Nigel Hallett  
Hon Ray Halligan  
Hon Barry House

Hon Norman Moore  
Hon Helen Morton  
Hon Batong Pham

Hon Barbara Scott  
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Shelley Archer  
Hon Ken Baston  
Hon Carolyn Burton  
Hon Peter Collier  
Hon Kate Doust

Hon Wendy Duncan  
Hon Shelley Eaton  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Adele Farina

Hon Jon Ford  
Hon Paul Llewellyn  
Hon Robyn McSweeney  
Hon Sheila Mills  
Hon Simon O'Brien

Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Giz Watson  
Hon Ken Travers (*Teller*)

**Amendment thus negatived.**

**Hon HELEN MORTON:** I move —

Page 7, after line 9 — To insert —

***genetic parent*** of a child means a person from whose egg or sperm the child is conceived.

This amendment defines the term “genetic parent” and relates to two other amendments that I have on the supplementary notice paper. Members need to decide at this time whether they wish to support one or both of these other two amendments that preclude the birth mother from being the egg donor—the genetic mother—and/or making sure that the child has some genetic link to either its arranged mother or arranged father. Both of these amendments apply to part 3, division 2, but the definition of “genetic parent” is in part 3, division 3. This amendment will bring that definition forward, which is why I have moved it in clause 14.

If members support the amendment that would preclude the birth mother from being the genetic mother—the egg donor—we will need to have the definition of “genetic parent” included in this clause. This amendment also fits my view of pure surrogacy and minimises the torment, conflict and guilt that a mother would have if she was also the natural mother forming a long-lasting natural bond with the child that she is carrying for the arranged couple. It would also eliminate the possibility of a husband and wife creating babies to give away to childless couples once the husband and wife have had their children and have kept the ones they wanted. This amendment enforces pure surrogacy whereby the birth mother is not the child's real mother; the surrogate mother is required to merely be the mother who carries the child for the intended or arranged couple.

Equally, the definition of “genetic parent” would need to be brought forward if members support the amendment that requires some genetic link between the child and at least one of the arranged parents. I return to saying: do we want to set in legislation a new arrangement, a new generation of children—perhaps a new stolen generation—who will spend much of their adult years seeking out their biological siblings, tracing backgrounds and trying to understand why they were given up by a biological mother or father and why they were designed, created and given to people who wanted to be parents but whom the child has had no say over and may feel no link whatsoever with? This amendment supports and strengthens my view of pure surrogacy. I bring members' awareness to page 12 of the Surrogacy Bill in which it is recognised that if the genetic mother was the egg donor and that the child did not have any genetic link to either the arranged mother or father, it was understood quite clearly that there would be further concerns about the impact of that on the mother. Consequently, requirements were put in place that refer to increased counselling and additional requirements for the parents to meet. Basically, the bill recognises additional conflicts and problems will need to be faced by a mother if that mother is the egg donor, and that additional problems will need to be faced if there is no genetic link to the arranged parents. Clause 21(3) states —

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... if the court is satisfied that a birth parent is deceased or incapacitated or that the arranged parents have been unable to contact a birth parent despite having made reasonable efforts to do so, the court may dispense with —

The clause goes on to list all these requirements for counselling et cetera. Therefore, unless the birth mother is considered to have died, cannot be contacted or is incapacitated in some other way, there is a necessity to undergo rigorous counselling. The bill tells us that if the birth mother is the egg donor, there are significant implications for the mother, and if the birth mother is not the egg donor, it is equivalent to the mother being dead, incapacitated or not able to be found.

I am really saying to members once again that if they believe some requirement is needed to not have the birth mother be the egg donor and/or there needs to be some genetic link between the child and the arranged parent, then we must bring that definition of genetic parent forward into this part of the bill.

**Hon ED DERMER:** I will very briefly indicate my support for this amendment. I imagine, in a very limited way—but it is probably the best understanding that a man could achieve—the attachment that must form during the course of nine months' gestation. I think there is eminent commonsense in Hon Helen Morton's suggestion that if the attachment from gestation had in addition the natural attachment a person would have for the offspring of her own genetics, that would compound the difficulty of a birth mother's separation from the child. I think that greater attachment would also increase the probability of a birth mother declining to part with a child for whom she has been commissioned under surrogacy. For both those reasons, I support the amendment moved by Hon Helen Morton.

**Hon KATE DOUST:** The Standing Committee on Legislation dealt with this matter and noted that there was no reference in the Surrogacy Bill 2007 to a genetic parent, and a number of submissions were made that picked that up. If members go back to the report, the committee decided that a definition should be placed in the bill; indeed, it is placed in a later part of the bill, and Hon Helen Morton seeks to delete this reference at a later stage. I indicate now that I will not support those other two amendments and I will explain why. I seek to leave that definition of "genetic parent" in its current place.

The member's next proposed amendment that the birth mother should not be the child's genetic parent would provide some difficulties for the arranging couple because that would preclude opportunities for family members who may want to step forward, be they a sibling or another family member, to not only carry that child, but also donate the egg. There are all sorts of variables about how this can occur, so I think that if the member were successful in passing this amendment, it would shut the door for some women who may have a sibling or another family member who is prepared to do that for them. I note that when the Australian Christian Lobby or the Christian Democratic Party put out its correspondence about its amendments that have picked up these issues, I think it was the ACL that said its preference was that if surrogacy were to occur—I am pretty sure that I am right; I do not have the document before me—that it be a family member such as a sister or cousin. There would be a family connection so it tightened up the relationship and did not bring a total stranger into the fray. I think that next amendment the member will propose will provide some difficulty for arranging parents who have those other options available to them. The other amendment that the member is proposing, which states that at least one arranged parent is the child's genetic parent —

**The CHAIRMAN:** It would be more convenient to be specific about those amendments. I thought the member was going to refer to them generally in the context of the debate on this clause.

**Hon KATE DOUST:** It sort of fits in, because when we get to that later amendment in which there are proposals to remove persons —

**The CHAIRMAN:** I am sure it fits in.

**Hon KATE DOUST:** — that is where the definition of "genetic parent" currently sits. Therefore, it all falls into place. However, I take on board what the Chairman has said. I will come back and talk about the genetic connection of a parent, because I have concerns about that. However, at this point, I will not support the member's later amendment, so I would rather that the definition of "genetic parent" remain where it currently sits in the bill.

**Hon SIMON O'BRIEN:** Firstly, I think we could all agree on what Hon Helen Morton has indicated; that is, there are several germane questions, and the vote on this amendment will be strongly indicative of how the Committee of the Whole will view a range of other related matters. For example, Hon Kate Doust was just relating this clause to clause 17, which is related.

I respect the way in which Hon Ed Dermer makes his argument whenever we are considering matters of this sort that can give rise to personal feeling. He always constructs his arguments in a very positive way, without

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recourse to offensively describing the views of others. He has done that again today, and I admire that. I admire it on each occasion he does it, as over the years the house has worked through a range of difficult conscience issues. On this occasion I do not identify with his argument completely, with respect. I mention that because quite often we have very similar views on some of these conscience matters. However, in this case I am more taken—it is also the government's view—with the argument advanced by Hon Kate Doust. Despite the intentions that are proclaimed in respect of this viewpoint that is proposed, I will tell the committee what the facts are. Again, I will canvass the question that is immediately before the chair, which relates to the following definition —

***genetic parent*** of a child means a person from whose egg or sperm the child is conceived.

The application of that definition is anticipated in a future amendment to clause 17. They are slightly different.

However, I make these comments. Quite often a birth mother is related to arranged parents in a surrogacy arrangement, for the reasons that Hon Kate Doust has already advanced; so there are quite often some compelling reasons for that birth mother to be the genetic parent. For example, it provides for a situation in which, instead of maybe resorting to in-vitro fertilisation technology, artificial insemination may be a method for conception, which is significantly less expensive than other more invasive forms of assisted reproductive technology. That is one reason why people entering a surrogacy arrangement may resort to a relative—for example, a sister—to be the birth mother and provide her own egg as a contribution. These things have been discussed before. Other arguments could be raised. However, I support the view expressed by Hon Kate Doust. With the greatest respect to those who are uneasy about the overall view, it is my view that, on balance, the arguments against the amendment outweigh those for it, and I therefore urge the committee to vote against the amendment.

**Hon ED DERMER:** I think it is interesting that in our work in Parliament we actually listen to each other, and I can even have my view changed from time to time. Having appreciated hearing the views of Hon Kate Doust and the minister, and having understood and appreciated the logic of Hon Helen Morton, I have come to understand that perhaps we could be looking at a sibling as a suitable birth mother, or someone similarly close. There is a certain logic to that, and there is also logic in what the minister raised about using less intrusive methods than IVF to achieve the effect. Having listened to Hon Kate Doust and the minister, I have changed my view.

**Amendment put and negated.**

**Clause 14 put and passed.**

**Clauses 15 and 16 put and passed.**

**Clause 17: Requirements for surrogacy arrangement to be approved —**

**Hon HELEN MORTON:** On the basis that it has now been determined by the committee that the three areas of the amendments that I was interested in will not be supported, and because all the other amendments that I have on the supplementary notice paper relate to those three areas, I believe, therefore, that it is appropriate for me to withdraw those amendments.

**The CHAIRMAN:** Members, Hon Helen Morton has indicated that she does not propose to move any of the amendments standing in her name on the supplementary notice paper. The question is that clause 17 do stand as printed. If there are some issues, it is within the power of another member to move an amendment, if he or she wants to. That is up to members. However, I just wanted to indicate that.

**Clause put and passed.**

**Clause 18 put and passed.**

**Clause 19: Circumstances for seeking parentage order —**

**Hon KATE DOUST:** I was trying to indicate to Hon Helen Morton that her amendment 11/19 on the supplementary notice paper to insert “,or give birth to,” is actually a very good amendment. This is a matter that was picked up by the Standing Committee on Legislation. Although this bill refers to women unable to conceive who want to access surrogacy, it does not refer to the difficulties that a lot of women have whereby they might be able to conceive but cannot actually give birth. Although we picked up on that in the report, and I think we changed it in the other recommendations, this is something that we must have missed. This is a good amendment. I do not know whether Hon Helen Morton still wants to move that amendment that is on the supplementary notice paper. If not, I am quite happy to move it.

**The CHAIRMAN:** In due course, yes.

**Hon BARBARA SCOTT:** I move —

Page 10, lines 11 and 12 — To delete “, or the arranged parent if there is only one,”.

I move this amendment to support the argument outlined by a number of members. I am quite convinced that those members of the Western Australian community who do not get involved in the detail of this bill understand that the Parliament is discussing the Surrogacy Bill that produces a child for a couple when that couple cannot have one. Whilst the minister may say that only a few people are involved in this debate in this chamber, nothing has changed from what I have experienced during my 15 years here: only a few people ever take an interest in most bills. I do not think that is a reason to dismiss the fact that just a few people are interested in some of the amendments.

The amendment is clear. When the surrogacy arrangement is entered into, or after that time but before the application is made, the arranged parents are an eligible couple or one of the arranged parents is an eligible person. In my view, that means that a single person may enter a parentage order. I take on board the comments that have been found unacceptable to some members of this house. I sympathise and emphasise with them because often things are said in this chamber that some people do not agree with or find offensive. One of the things we have to consider very carefully this afternoon is the issue of whether we are entering into surrogacy arrangements where one single person is to be the parent or the arranged parent. Leaving aside the other discussions we have had, if this bill goes through, there will be a challenge from men because why should we discriminate against men if women are allowed to be parents? In this day and age many young women are deferring the time when they have children. Their body clocks are ticking by but they have a successful career and earn a good salary. They also want to have a child. I am not suggesting any arrangement, sexual or otherwise, with anybody else. Let us take a single man or a single woman. This part of the bill allows them to become an arranged parent. Is that what we in this house want or are we actually doing something that, in my view, most Western Australians do not necessarily want?

I find this whole debate quite fascinating. It has been going on for almost two years. I have not had one phone call, email or letter to my office urging me to bring on a surrogacy bill for debate. I do not know how many other members have received representations. I do not deny that I have been lobbied by a lot of people who want a different surrogacy arrangement, or who do not want surrogacy arrangements at all. There is nothing in this part of the bill that in the future would stop a man or a woman on their own, not in a relationship, from having a child. I go back to my original remarks—remarks that have been endorsed by a number of people—that the legislation we are embracing is most unusual and extraordinary. It will do something to a newborn child that is unnatural; that is, it will deny a child access to a mother and father in the first instance. I will not embark on the arguments that abound about the values of single parents. We all know of women who have raised children marvellously when their husbands have been killed at war. Nobody can deny that a person on his or her own cannot be a very good parent. This bill is about doing the very best for children from the outset. Therefore, the amendment standing in my name deletes the words “or the arranged parent if there is only one”. It is a simple amendment.

**Amendment put and negatived.**

**Hon HELEN MORTON:** Hon Kate Doust wanted me to clarify why I withdrew my amendment. It is because I believe that the words “to give birth to” are covered under the definition of “eligible person”. “Eligible couple” in subsection (1)(b) refers to the conception of children. Obviously, two people are required to conceive a child. “Eligible person” refers to what the situation might be for a woman who is eligible and is therefore unable—whether that woman is on her own or whether she is an eligible person as part of a couple—for medical reasons to give birth to a child. I withdrew the amendment because I believe it is already covered.

**Hon SIMON O'BRIEN:** The draft amendment initially proposed or given notice of by Hon Helen Morton was very well conceived, to coin a phrase, and intentioned. That is why Hon Kate Doust also picked it up. In looking closely at it, Hon Helen Morton is right. Given its construction, this very worthy aspect is well covered. It was certainly worth asking the question. I thank both members.

**Clause put and passed.**

**The CHAIRMAN:** Hon Helen Morton has indicated she is not moving the balance of her amendments.

**Clauses 20 to 69 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

Hon Helen Morton; Hon Barbara Scott; Hon Ed Dermer; Hon Simon O'Brien; Hon Dr Sally Talbot; Hon Giz Watson; Hon Kate Doust; Deputy President

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*Third Reading*

**HON SIMON O'BRIEN (South Metropolitan — Minister for Transport)** [3.32 pm]: I move —

That the bill be now read a third time.

**HON ED DERMER (North Metropolitan)** [3.32 pm]: I briefly wish to make it very clear to the house that for the same reasons that I expressed my opposition at the second reading stage, having been through the committee process, nothing has occurred to change my view. I still remain concerned about the possibility of a single parent commissioning a child through surrogacy. I still remain very concerned about the potentially hapless fate of an unfortunate child who may be born with a disability through a surrogacy process. For those reasons, I continue to oppose the bill, including at this third reading stage.

**HON BARBARA SCOTT (South Metropolitan)** [3.33 pm]: I wish to put a few comments on the record, too. This bill before us was very poorly drafted. Again, I would like to pass on my congratulations to the Standing Committee on Legislation for the superb job it did in reconsidering the bill. We still see today that a lot of parts of this bill will not be clear, and I have concerns about that and have made those concerns clear. My amendment to that effect was not accepted. I accept the will of the house but would like to register the fact that the poor drafting of this bill made it very difficult for some people to understand the principles of the bill and the fundamental issues that were of concern.

The fundamental principle that drove me to have an interest in this bill is that where children are concerned, their interest ought to be paramount above all other considerations, and nothing will change my mind on that. The interests of the child are, and should be, central to the considerations of the other competing interests in such a piece of legislation—like the desire of a person to have a child. The best interests of the child should be the overriding interest and that is why this bill now delivers us at this point, unless it is altered in the other house, legislation that will allow surrogacy to happen, and not just with couples. I have said before that I believe that, at the outset, the interests of children should be paramount, that they should be the ones considered first, and that where possible we should be able to deliver a mother and a father to children.

The amendments have not resolved the issues in this bill. That fundamental principle that children's interests must be taken first is enshrined in a number of international bills and indeed the Adoption Act —

**The DEPUTY PRESIDENT (Hon George Cash)**: Order! Hon Barbara Scott, the third reading is an opportunity for you to discuss the bill as it has emerged from the Committee of the Whole. It is not an opportunity to recount or pursue a new second reading debate. You were discussing the bill as it had emerged from the committee up until the point when you started moving off into the current area that you are in. I just draw your attention to that matter.

**Hon BARBARA SCOTT**: Thank you, Mr Deputy President. I wish to remind the house that this bill as it has emerged contravenes a number of issues that the community accepts, such as the international covenant of the rights of a child to know who their parents are.

The other comment that I would like to make as this bill emerges from this house is that we should never forget that the law is a very powerful instructive instrument, and today there will be a message from this chamber that this Parliament in Western Australia has gone beyond the bounds of the compassionate intercession of a few couples in this state who are unable to have children and that we have endorsed a principle by which a single man or a single woman will be allowed to enter a surrogacy arrangement in this state. I am still to be convinced that "a person" is not a man, but that is the interpretation of what we have done today. In my view, those two essential elements that have come out of this bill have denied the recognition of the importance of the interests of the child and there will be a very clear message to the community that surrogacy in WA is now okay for anybody who wants to access it. On that note, I am very disappointed in the handling of the bill in this chamber. I do not believe that we got a thorough explanation. I was not wishing to defer the bill time-wise, but the explanation we got from the government representative was not clear, was not persuasive, and I do not believe it was founded on an explanation from law.

I say again that we should respect the child more than the adult, and we should continue to protect the weak from the strong. We should at all times, when we deliberate such serious legislation, do the right thing rather than give in to the expediencies of the Parliament or this chamber in particular. I find it quite outrageous that we were reminded on a number of occasions that the debate had already taken place and that we should get on with it and pass the legislation. That is not the best way to draft good legislation. I made the point during the debate that I empathise and sympathise with people who desperately want to have children but cannot. I predict that—as has happened with other social legislation, such as the divorce laws—this bill will result in an increase in applications for surrogacy. Members should not be surprised if single women or single men, who are not in any

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relationship, will want to access these arrangements to have the baby of their choice—what I call a designer baby. For that reason I oppose the bill.

Question put and a division taken with the following result —

Ayes (25)

Hon Shelley Archer	Hon Wendy Duncan	Hon Ray Halligan	Hon Ljiljanna Ravlich
Hon Ken Baston	Hon Shelley Eaton	Hon Barry House	Hon Sally Talbot
Hon Matt Benson-Lidholm	Hon Sue Ellery	Hon Paul Llewellyn	Hon Giz Watson
Hon Carolyn Burton	Hon Brian Ellis	Hon Robyn McSweeney	Hon Ken Travers ( <i>Teller</i> )
Hon George Cash	Hon Adele Farina	Hon Sheila Mills	
Hon Peter Collier	Hon Jon Ford	Hon Norman Moore	
Hon Kate Doust	Hon Nigel Hallett	Hon Simon O'Brien	

Noes (6)

Hon Donna Faragher	Hon Helen Morton	Hon Barbara Scott
Hon Anthony Fels	Hon Batong Pham	Hon Ed Dermer ( <i>Teller</i> )

Question thus passed.

Bill read a third time and transmitted to the Assembly.

*Sitting suspended from 3.45 to 4.00 pm*