

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY
LEGISLATION AMENDMENT BILL 2018

224. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Health:

I refer to the minister's invocation of legal professional privilege in response to my question without notice 202 asked yesterday about the nature of legal advice he received from the State Solicitor's Office and the Solicitor-General regarding the state government's Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018.

- (1) Since the minister refuses to table that advice, can he at least confirm whether that legal advice fully accords with the minister's line of argument in his second reading speech that the status quo of relevant legislation in Western Australia is subject to "unacceptable risk of litigation and the prospect of the provisions of the relevant state legislation—the HRT act—being held by a court to be invalid"?
- (2) Is the minister aware of any litigation of the kind he foreshadowed in his second reading speech?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. I am advised the following.

- (1) The legal advice is subject to legal professional privilege and the minister cannot confirm whether the legal advice conforms with his line of argument without waiving privilege.
- (2) The minister is aware of potential claims but it is his understanding that no legal proceedings have yet been issued.