

SURROGACY BILL 2007

Second Reading

Resumed from 8 May.

Mr P. PAPALIA (Peel) [12.14 pm]: Out of respect for the member for Capel and the wonderful homily he presented on the history of surrogacy, I too will adopt a bit of a religious approach. I will begin by making a confession. At the beginning of this debate I was feeling very smug and self-righteous. I had attended two briefings by the minister's advisers and had listened to the internal debate among my party colleagues. I was fairly certain that I knew what I was going to do. I intended to rise early in the debate to make a short address and acknowledge some of the concerns that have been raised, such as the limited number of potential beneficiaries of this legislation and the potential for complications arising from disputes over custody during pregnancy and post-pregnancy, or in the event of a defect being detected. I was going to address also the questions that arose out of the possible perception of our headlong rush to adopt advances in science without really knowing where we were going. I was going to say that I would take the approach from the perspective that I assumed adopting a child was difficult and was growing more difficult all the time and that there were a small number of desperate potential beneficiaries of this legislation who would do anything to achieve their objective, including travelling to other jurisdictions to meet their requirements. Currently, commercial surrogacy is not illegal in Western Australia, and this legislation would close that loophole. Finally, I was going to allude to the requirement the advisers had pointed out regarding the in-depth counselling, assessments and numerous other processes that anyone who decided to try surrogacy would have to undertake.

I was completely full of smug self-righteousness, but then something happened. It might have been divine intervention, but I did not get the call. Therefore, I had to listen to other members in this house. The member for Wanneroo was impassioned in her support of the legislation, and many other members, including the members for Swan Hills, Kingsley and Wagin, gave their solid support for it, and that strengthened my resolve a little. However, I then heard significant cautionary warnings from one member after another; firstly, from the member for Central Kimberley-Pilbara and then from the Leader of the Opposition and the members for Roe, Hillarys, Ballajura and others. As I listened, my resolve wavered. I then heard compelling arguments from the members for Carine and Churchlands about the difficulty that commissioned mothers might encounter in having to relinquish a baby they had carried and nurtured for nine months. The previous clarity I had, suddenly became quite foggy. Finally, my learned friend, the member for Victoria Park, gave a scholastic assessment of the legal implications of the legislation and all certainty failed me. I felt like I was back on the rear ramp of a Hercules aircraft making my first parachute jump. My knees were shaking and my palms were sweaty, and it was not because I like to listen to lawyers talk! I thought I knew what should happen but I was afraid of what might occur after I took that first big step. Returning to the religious flavour, I then did what I did on the day I made my first parachute jump. I looked heavenward to seek heavenly guidance. As I did that, I turned around and saw two wise men behind me. The members for Bassendean and Central Kimberley-Pilbara were there and were ready. Their obliging faces suggested that I should unburden myself, and so I did. The member for Bassendean, I must admit, was not entirely helpful.

Ms S.E. Walker interjected.

Mr P. PAPALIA: He has had my sympathy sometimes, member for Nedlands.

His response was to question my intestinal fortitude and commence to do his best impression of a chicken. I therefore moved on to the one remaining wise man from the north. The member for Central Kimberley-Pilbara leaned forward across his desk, looked down over the glasses perched on the bridge of his nose and gave me some advice. He said, "Member for Peel, when in doubt vote no."

Several members interjected.

Mr P. PAPALIA: I have to tell members that, given the state I was in, it sounded like sage advice and the sort of thing I might hear from the lips of the member for Hillarys. I was ready to grasp the advice.

The SPEAKER: We will have to wait for the final instalment of that speech.

Debate interrupted, pursuant to standing orders.

[Continued on page 2108.]