

**HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY
LEGISLATION AMENDMENT BILL 2018**

Second Reading

Resumed from 21 February.

HON NICK GOIRAN (South Metropolitan) [4.14 pm]: It is interesting that here we are now on 2 April 2019 and we are back again with this bill, the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. The last time that this bill was before the house was on 21 February this year.

Hon Alannah MacTiernan: What day of the week was that?

Hon NICK GOIRAN: It was a Thursday, honourable member.

Hon Alannah MacTiernan: Thursday. It's important; we've got to get the detail right.

Hon NICK GOIRAN: Thank you. I welcome interjections any time that you like throughout the course of this debate. The Minister for Regional Development has started the week in fine form. Usually Thursday is her strongest day, but today, Tuesday, she is feeling in top form.

Hon Alannah MacTiernan: It's because you inspire me!

Hon NICK GOIRAN: I thank the Minister for Regional Development for the compliment.

Madam Acting President, if I could continue my remarks without the ongoing unruly interjections by the member opposite, I was simply indicating that the last time that this matter was before the house was 21 February 2019. What we have had since that time is the revelation of some fresh evidence and some new evidence. By way of explanation, the difference between fresh evidence and new evidence is that fresh evidence is material that was not available at the relevant time but is now available, whereas new evidence was always available but simply was not presented at the relevant time.

As we consider how to cast our conscience vote in this matter, the fresh evidence that is available to members arises out of an international surrogacy conference that took place on 15 and 16 March entitled "Broken Bonds and Big Money". The new evidence that is available for members' consideration now, 2 April 2019—in contrast with the situation on 21 February—are these two significant volumes, part 1 and part 2 of "The Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008", an independent review by Associate Professor Sonia Allan. This is the new evidence that has been made available to members as they consider how to cast their conscience votes in this matter.

Of course, members may be aware that this two-volume independent review report was being kept secret by the government when this matter was last before the house. When the matter was last before the house on 21 February, we had a government refusing to put on the table in this place this report in its two volumes. Under no circumstances was the government willing to do so. I had indicated that it was utterly unacceptable for this government to expect members to cast their conscience vote with a blindfold on. The explanation that was provided by the Minister for Health on that same day, 21 February, was that the report had nothing to do with the bill before the house. Indeed, I quote from an article that was published on that same day, 21 February. That was a significant day for the government; it was the day for big lies. Big lies on 21 February.

Point of Order

Hon SUE ELLERY: Madam President, I seek clarification about the use of the word "lies".

The PRESIDENT: Minister, I do not think the member on his feet made reference to a particular individual, and he did not call an individual a liar. He just made references to lies. He has not actually articulated what he is referring to. But I am sure that Hon Nick Goiran knows the standing order around that type of unparliamentary language that the minister might have been alluding to.

Debate Resumed

Hon NICK GOIRAN: Thank you, Madam President. I know that is a very sensitive matter for the Leader of the House —

The PRESIDENT: Member, I think there is just a very fine line between the types of words that you were using and perhaps where you might have been going.

Hon NICK GOIRAN: On 21 February 2019, which in my view is the day of big lies, an article was published by journalist Nathan Hondros entitled "WA MP's filibuster has already taken one day: here's why he won't stop talking". If members have the opportunity to look at that particular article, they will see that it quotes the Minister for Health —

Health Minister Roger Cook said the government would not release the review at this stage, because it was not ... related to the amendments currently before Parliament.

That was on 21 February this year. On 21 March this year, the government finally decided to lift this heavy report and table it in this place. It took the government a further month to table the report, despite the fact that it has had the report since 8 January this year.

The benefit of having had the non-sitting weeks that have transpired since that time is that it has given us the opportunity to consider whether this report is relevant to the bill that is currently before the house. The report is titled “The Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008” and is in two parts. A multitude of sections in this particular report are relevant to the house. If members have a copy of the report available, I draw their attention to section 3.4 at page 58 of volume 2. Members would not believe this. I am not making this up. Section 3.4 is entitled “Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018”. How can we have a report that devotes an entire section to this very bill that is before the house and a Minister for Health who tells the people of Western Australia that this report and review has nothing to do with the bill before the house? That was the explanation provided by the government when we had a debate in this place for more than a week on the surrogacy bill. I said at that time that it was inappropriate for the government to expect us to cast a conscience vote while it put a blindfold on us. The explanation provided by the government was, “No, member. It’s not necessary at all, because this review has nothing to do with the bill before the house.” What is page 58, then? I expect an explanation from this government quick smart about why the people of Western Australia, through the media, have been misled by this government and its minister, who told them that this review, which cost nearly a quarter of a million dollars, has nothing to do with the bill that is before the house. I encourage members to turn to page 58 and tell me that it has nothing to do with the bill before the house. In fact, I challenge the government to raise a point of order and to seek a ruling from you, Madam President, that section 3.4 is not relevant to the bill before the house. I encourage members to turn to page 58. Pages and pages of this report, in part 2 alone, are relevant to the bill that is before the house. The government must have known that. The government has had this report since 8 January this year. The government tabled the report on 21 March this year, and members are now in a position to consider this report, which cost taxpayers nearly a quarter of a million dollars. That is appalling conduct by the government. Before this bill reaches its second reading, I expect that at some stage the government will provide an apology and an explanation to the people of Western Australia about why it thought it was appropriate to be so brash as to try to mislead the people of this state. It is appalling conduct by this government, and I expect a response from this government in the fullness of time.

As I said earlier, since this matter was last before the house on 21 February, we have had fresh evidence and new evidence that this house will need to consider in detail. The government said that this report has nothing to do with the bill that is before the house. I intend to speak on each and every section of this report by Sonia Allan and endeavour to show members each and every section that is relevant to this bill. By way of quick summary of where I will be going, I indicate to members that there is a plethora of sections in this two-volume report that are relevant to the matters currently before us. In particular, I encourage members to look at part 2 of the report. Members need look only at the table of contents to very quickly come to the conclusion that this volume has a massive number of sections that are relevant to the bill before the house.

I have already drawn members’ attention to section 3.4, which has the same title as the bill that is before us. I also draw members’ attention to chapter 5 of part 2 of the report that was tabled by the government last month. Chapter 5 has to do with screening. Members will be aware that I have placed on the supplementary notice paper a proposed amendment that deals with this very issue of screening. We will spend some time looking at that in the fullness of time. I also encourage members to look at section 9.7 in part 2 of this independent review, which is entitled “Extraterritorial offences”. Those members who are following this debate will know that is precisely what one of my proposed amendments seeks to address. Indeed, funnily enough, the report supports the theme that is addressed by my proposed amendment. In fact, it does that on both counts—on both the screening issue and the extraterritorial application issue. Perhaps this is one of the reasons that the government was trying to keep this report secret. However, it is one thing for the government to keep the report secret; it is another thing for the government to say that the report has nothing whatsoever to do with the bill before the house. In effect, it is the case that the entirety of part 2 of the report is relevant to the bill before the house.

Members should not forget that the bill before the house is seeking to amend two acts—the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008. Part 1 of this two-part review deals specifically with the reviewer’s opinions, findings and recommendations and the discussions that have taken place with regard to the Human Reproductive Technology Act 1991. Again, I highlight the full table of contents in that volume, and I will now outline a few of those topics.

Debate interrupted, pursuant to standing orders.

[Continued on page 1792.]