

SOCIAL DEVELOPMENT COMMITTEE: GESTATIONAL SURROGACY

21 November 2007

The Hon. P.L. WHITE (Taylor) (11:37): I move:

That the 26th report of the committee, on gestational surrogacy, be noted.

Mr PEDERICK (Hammond) (11:52): I, too, rise as a member of the Social Development Committee. I appreciate the words of the member for Taylor. This was one of the tougher topics to be put before a diverse committee. When I say that this was a diverse committee, I mean that its members had many opinions as to which way we should go with gestational surrogacy. Obviously, some conflicting views were held right to the end. I would just like to take note of the bill introduced by the Hon. John Dawkins, in the other place, the Statutes Amendment (Surrogacy) Bill 2006, and that was because of constituents who obviously were looking for a way so that they could have children.

Anyone in this house who has experienced the joy of childbirth, I could not think of any happier experience.

The Hon. R.G. Kerin: The joy of having children I think you mean.

Mr PEDERICK: Joy of having children, yes; thank you member for Frome.

Members interjecting:

Mr PEDERICK: Well, I didn't find conception too bad, either!

Members interjecting:

Mr PEDERICK: This is a very serious subject, members. Be that as it may, I would just like to congratulate all the people who presented submissions to the committee. There were some very emotional stories, about not just the travel they had to do interstate so they could have children legally through gestational surrogacy but also the cost involved, and it was a fairly round figure of around \$50,000 to go through this procedure.

So, it just seems ridiculous to restrict the citizens of South Australia the opportunity to access this technology legally, when obviously if they are determined to have children they will go interstate, they will borrow against the family home or find other ways to find the money to have children, and, quite frankly, who could blame them.

One thing we do have to make sure about, and it was a recommendation from the committee, is that the child's rights are one of the main things set in stone, that they have the right, if they wish to, to find out where they did come from. These days children as they grow older and as they go through life ask more and more questions, and I believe that to be a very good point.

We have to clear up the fact that birth certificates are, quite frankly, all over the shop. The surrogate mother at this stage in legislation in South Australia becomes the mother on the birth certificate, and her partner, or husband, which has a lot of legal ramifications down the track, and obviously family issues.

There are plenty of other legislative areas in Australia that have put through similar legislation. We do need to try to align these legislations and get this aligned across the country.

We also have to make sure—and this is something that came out of the committee—that there is no profiteering as far as surrogacy is concerned, that it is for the couple so that they could have a child through these procedures.

But as far as that is concerned, there has to be adequate counselling for everyone involved, whether they be the commissioning parents or the surrogate mother, and obviously their families need to have adequate counselling as well, because, as has been seen in court action overseas, some people, although they are having someone's else's child, suddenly decide that it is theirs. So adequate counselling needs to take place for all parties involved.

We have to urge the commonwealth to review Medicare arrangements, to make gestational surrogacy more accessible for people right across the spectrum. As the member for Taylor indicated, there was a divergent amount of views about who should have access to this technology.

I know that the committee made a statement that they did not want to be discriminatory in who could access this technology, but I have a personal view that it should be limited to heterosexual couples. But that is just my view, and, as I said, there were plenty of divergent views across the committee.

As far as the introduction of legislation is concerned, I urge the government to get on with it early in the new session next year, and, if there is any dithering on this legislation, I urge the Hon. John Dawkins, in the other place, to reintroduce legislation, so that we can just get on with this so we can help the couples who do want to access this technology and make gestational surrogacy legal in South Australia.

I would like to thank everyone involved on the committee and everyone who spoke to the committee. It certainly was one of those tougher committee topics to discuss, but it is always good to have robust debate and get on with the job.

I commend the motion to the house.