

The Chairman

Mr. K. Andrews

Legal and Constitutional Affairs Committee

House of Representatives

R1-109

Parliament House

CANBERRA ACT 2601

Dear Mr. Andrews.

Re: Embryo Research - Human Cloning etc.

It is understood that the Australian Academy of Science distinguishes between “therapeutic” and “reproductive” cloning with respect to the cloning of human embryos in research.

Though no jurisdiction in Australia prohibits research on embryos, no research involving embryos is ever neutrally motivated. In the case of human embryos the possibility exists that research could be motivated by novelty, atypical incentives, non-therapeutic and/or commercial purposes at variance with the dignity, human rights, life expectations and ethical purposes of reproduction. Decisions to undertake embryonic cloning research are motivated on the basis of some human need or desire influenced by potential outcomes. We are concerned that these outcomes can be:

- * unnecessary
- * undesirable
- * maleficent
- * destructive

We consider that the State should produce regulations for the protection of embryos in relation to therapeutic and non-therapeutic research that could place an embryo at risk or harm and object to any proposal or intention to introduce human cloning and embryo experimentation with human DNA cells that can be used in humans or animals.

We believe there should be legislative prohibition upon non-therapeutic research since the embryo represents developing human life and has an inherent and unique right to be free of unwarranted intervention in the developmental process from fertilisation to birth.

We agree with Western Australian legislation that the creation of embryos for research should be prohibited on the grounds that every fertilised ovum should be accorded the biological expectation of birth-life; that it should be free of genetic engineering experimentation and protected as much as possible from any form of violation of its developmental role.

We reject a majority assumption of the NSW Law Reform Council majority that the intention for which a normal embryo is created (a human child) should be a crucial factor concerning whether it can be used as a subject for research. What factor(s) is more crucial than an embryo developing to maturity through the birth process?

Whether intentional or unintentional, conception represents the initiatory creation of human life and its accompanying potential value for mother and fatherhood, to siblings and to the maintenance, sustenance and perpetuation of human life.

It seems an insensitive and narrowly focussed view that can merely see an embryo as a commodity, a piece of merchandise to be utilised and manipulated for experimental curiosity.

Despite the adoption by the NSW Law Reform Council of the view that embryos

have no rights prior to the birth process, all embryos have inherent and explicit biological, physiological and chemical “rights” which, if unobstructed normally develop into human beings. It seems an arrogant assumption to regard developing, defenceless human life as a captive commodity for vivisection in the absence of informed consent.

When a human life is terminated, whether euthenised or resulting from the withdrawal of life support systems, society deems it appropriate to obtain the consent, of the patient or next of kin. An embryo cannot give consent to its destruction (and if it could who would argue the probability that it would do so?). There is something highly unsavoury and dangerous about a process of power which medical specialists, motivated by experimental curiosity, can manipulate - something akin to a child pulling the wings off butterflies. It seems cowardly to annihilate vulnerable embryos at the beginning of life but demand civilised consent from the terminally ill at the end of it. The principle of consistency versus contradiction should be carefully examined by ethicists concerning reproductive technology and embryo research.

The creation of embryos for the sole purposes of research and/or social experimentation and engineering should be prohibited. Embryos, which represent emergent human life, should be accorded the highest human value of dignity and respect. Such an attitude is already expressed in respect of surgical procedures where the benevolent intention is to promote life and health for individuals. No less than the same dignity and compassion should be displayed towards embryos.

The level of harm to the community from current embryo research may appear inexplicit at present. Nevertheless the potential for harm exists and embryo abuse could be undertaken under the guise of science. Genetic research must be free of abuse and the molestation of embryos must never occur as a prerogative of researchers. Public confidence and reassurance about scientific specialisation should be promoted and enhanced concerning all aspects of embryo research in order to safeguard the community against misapplication of embryo research and secrecy over its applications.

We view cloning as bizarre and abhorrent and that the reproduction of a human embryo genetically identical to another human embryo should be strictly prohibited.

In order to achieve consistency in respect of embryo research, its public accountability, procedures and practices, appropriate legislation should be established to

prohibit:

- a) embryonic flushing
- b) genetic alteration of gametes
- c) alteration of the genetic, pro-nuclear or nuclear constitution of an embryo except the alteration of somatic cells for therapeutic purposes
- d) the use of gametes produced by persons under 18 years of age
- e) the use of ova derived from a foetus in an ART procedure produced by more than one person or in respect of created embryos, using mixed gametes
- f) transfer of a human embryo into an animal
- g) transfer of a human embryo into a body cavity other than the human female reproductive tract
- h) treatment of a woman for the purpose of producing a child of a particular sex where necessary to avoid the risk of transmission of a genetic abnormality or disease
- i) use of immediate relative donor reproductive material
- j) the placing of any cells extracted from an embryo into the body of a person
- k) genetic development using animal eggs with human cells and vice versa.
- l) collection of gametes from a dead person for use in an ART procedure and any other procedure
- m) transfer of a human embryo into a post-menopausal woman

n) genetic screening known as a process of pre-implantation genetic diagnosis (PGD)

We hope you will oppose and reject any proposals relating to experimentation with human DNA cells, embryonic engineering and human cloning.

Yours faithfully

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