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Ms Marie Kawaja
Inquiry Secretary
House of Representatives Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Inquiry into the scientific, ethical and regulatory aspects of human cloning

Dear Ms Kawaja,

I would like to thank the Committee for inviting me to attend today's public forum on human cloning.

After reviewing the day's statements, I wish to make the following comments.

1. The legislative requirement

Apart from arguments about ES cell research, I believe that arguments for "procreative liberty" will definitely be run in this country in the end. It would be much better to have society's views on these issues before that happens.

If we leave it to the courts, then we can expect the results to reflect the differences of those jurisdictions, and the inevitable lack of consistency that it will produce.

I think it would be much better to provide some guidance.

That guidance would provide a framework within which the judicial system can operate. It would also provide:

- Decisions that we can all understand
- Decisions that are consistent across our country.
- Decisions that allow us to meet our international obligations.

I don't see any other way than legislation for the framework and regulations to contain the detail.

The Office of the Gene Technology Regulator has given some thought to these issues, and has proposed a model for governance of the regulatory process. While the model is as yet untried, it does attempt to:

- Engage the States and Territories in the process (through its Ministerial Council).
- Obtain views from outside the research disciplines (through its Gene Technology Consultative Group, and its Ethics Committee).

I invite your Committee to review the GTR model as part of your consultative process.

2. Patents and Ownership

Questions relating to the ownership of the technology were touched on only briefly during the day's statements – it is a subject in its own right.

Perhaps your Committee could consider the following questions in relation to technology patents.

- a) What is the impact of US law on Australian companies?
- b) What is the impact of US law on US companies operating in Australia?

The current dispute about the importation of Canadian salmon into Tasmania clearly indicates that a law enacted outside our borders can have an impact within our borders.

I thank the Committee for the work it going in this critically important area.

Yours sincerely,

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