

## Extract from Senate Hansard 14 September 2006

### ADJOURNMENT

#### Stem Cell Research Speech

**Senator STOTT DESPOJA** (South Australia) (6.43 p.m.) – In the time remaining, I want to talk a bit about the Lockhart review that examined the current acts that govern stem cell research in this country. Of course, these are the Prohibition of Human Cloning Act and the Research Involving Human Embryos Act, both from 2002. They were the result of quite passionate and complex debates through the Senate committee process and indeed the parliament in December 2002.

Tonight I have tabled an exposure draft bill which seeks to implement some of the review's recommendations. Fifty-four recommendations were contained in the Lockhart review. I have identified the scientific recommendations of the Lockhart review and put them into a legislative and policy framework to facilitate debate on the Lockhart recommendations in the parliament.

I made it clear that I was going to do that, in March this year, when I felt that the Prime Minister and the government were stymieing the debate on the Lockhart provisions. I am glad to see that since then the debate has moved and it has certainly gathered a great deal of momentum.

I welcome the Prime Minister's decision to grant a conscience vote on this issue if there should appear a bill before the parliament. We of course anticipate that a private member's bill will also be tabled and be subject to committee analysis and debate. But the gist of the exposure draft bill that I tabled tonight was to encapsulate all the Lockhart recommendations so that the parliament could decide and determine which were important and appropriate scientific recommendations—those which encapsulate and reflect community values and concerns but, at the same time, allow the potentially dazzling benefits of this technology to proceed. I did not want to cherry pick those recommendations because I want the parliament to decide what to adopt, reject, amend, debate—and even what to clone, as the case may be.

I know that there are some people tonight roaming the galleries suggesting: 'The senator has not included in the private member's bill a couple of the Lockhart recommendations'—or, specifically, I think they are referring to Lockhart recommendation No. 24. The illusion or notion is being created, with regard to comments yesterday by the Chief Scientist, Dr Jim Peacock, that somehow he was skating away from these recommendations, or specifically recommendation No. 24. My understanding of his comments yesterday was not that he was shying away from the potential benefit or idea of recommendation No. 24 in an ethical, scientific or legal sense. I will read recommendation No. 24:

In order to reduce the need for human oocytes, transfer of human somatic cell nuclei into animal oocytes should be allowed, under licence, for the creation and use of human embryo clones for research, training and clinical application, including the production of human embryonic stem cells, as long as the activity satisfies all the criteria outlined in the amended Act and these embryos are not implanted into the body of a woman or allowed to develop for more than 14 days.

Certainly, that recommendation is encapsulated or at least it is intended to be encapsulated in the draft bill that I have tabled tonight. I do not shy away from that recommendation. I have no doubt that, when it comes to potential benefits involving this technology and potential cures, that particular recommendation has value, it has worth, and I think the Chief Scientist also acknowledges that. My impression of his comments yesterday is that this may not necessarily be the priority issue, and some of us would identify that there are a number of priority issues. I would hazard a guess that, for a majority in this place, the priority contained in these recommendations would boil down to somatic cell nuclear transfer so that there is an opportunity to legislate for so-called therapeutic cloning because of its potential benefits. Just because people may identify particular priorities among the recommendations, it does not mean that other recommendations are less valid or offer less potential. It was precisely for that reason that I did not cherry pick these recommendations. I wanted to give parliament an opportunity to examine and decide on these recommendations.

There will be differences of opinion and strongly held views on all sides of the chamber, and I respect that. I respect the fact that people have different views. I am glad to see, though, that some of those people who were opposed to or voted against some of the aspects of the bill in 2002 are actually recognising or arguing, for whatever reason, that the research should take place on excess embryos but not necessarily allow for somatic cell nuclear transfer. I consider that as some movement in the debate before us.

There is one thing I have not done—that is, legislate for a stem cell bank. People may wonder why that is, given that it was the successful amendment moved by Senator Jan McLucas and me in 2002 that charged the Lockhart review with examining the applicability of the establishment of a national stem cell bank. The reason I have not done that is, firstly, you do not need legislation to have a stem cell bank. The UK national stem cell bank does not have a legislative framework. But I expect there will be interest in that issue, and I have not ruled out the possibility that that may be something worth pursuing. So I have charged the Attorney-General's Department and the Department of Health and Ageing with examining the legislative framework of such a stem cell bank. There are various models that could be adopted. There are complicating issues, of course, such as intellectual property and a range of other issues that need to be dealt with.

In closing, I make it very clear: this is a technical, legal, scientific and ethical debate. It is a huge debate; it is a complex debate. I am not suggesting that the private member's bill that I have tabled today, cosponsored by Senator Webber, is perfect. It will need technical examination and it will need improvement. But I am really proud to see that we have played some role in this debate today to move the government along to a point where not only has the Prime Minister granted a conscience vote but bills have been referred to committee and we will have a vote in November.