



Affiliated with International Right to Life Federation  
and the Australian Federation of Right to Life Associations

ABN 44 470 248 746

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Queensland Right to Life wishes to respond to the two bills, which have been tabled before parliament to amend the Prohibition of Human Cloning Act 2002, and the Research Involving Human Embryos Act 2002. These Bills prohibited the practice of cloning, and restricted the use of embryos for research to those available through the IVF programme, respectively. Since the two bills (Senators' Stott-Despoja/Webber and Patterson) deal essentially with the same issues and are of similar though not identical content, our comments will mainly be confined to the particular issues contained in the Bills rather than identifying particular clauses in each Bill.

We have made submissions to each part of the national process discussing the issues of embryo research/cloning (with the current state of scientific research techniques the two are intrinsically linked) since the issue was first raised prior to 2002. Subsequent submissions have been made to the Lockhart committee and are now made to this senate inquiry.

In all of these, our consistent position has been that:

**1. Cloning, whether it be "reproductive" or "therapeutic" is inimical to human dignity**

Each human being is an "unrepeatable miracle." We do not feel it necessary to labor the point on reproductive cloning, although there is naturally a fear that more and more liberties with cloning will tempt some to attempt reproductive cloning. It is pointless to argue, as some do, that the suggested amendments do not allow this, since the laws arrived at in 2002 are already up for change. Even the authors of these amendments stated categorically back in 2002 that they were opposed to "therapeutic" cloning. For instance, Senator Patterson said that:

"I believe strongly that it is wrong to create human embryos solely for research. It is not morally permissible to develop an embryo with the intent of truncating it at an early stage for the benefit of another human being...I believe it is disingenuous to suggest that approving this research will open the door to further killing of living human beings when the prohibition of Human Cloning Bill 2002 bans the creation of a human embryo for a purpose other than achieving a pregnancy"

We are entitled to ask just who was being disingenuous?

**2. So-called "therapeutic" cloning requires the production of human embryos, currently by SCNT (although other techniques may be derived) which will either be damaged or destroyed by the removal of the required stem cells, or is legislated to be destroyed by fourteen days. Why fourteen days? Actually, there is nothing biologically significant about the number. It has been borrowed from the Warnock Committee of the UK, as being an age that the public might consider acceptable.**

There has been an ongoing disinformation campaign, chiefly from protagonists of cloning to try and pretend that such an embryo is not really human as it's just an "SCNT" embryo, or that it couldn't possibly become a human being.

Head Office Suite 5, Benson House, 2 Benson Street Toowong Qld Australia 4066

Postal Address PO Box 1382 Toowong Qld Australia 4066

Phone 07 3871 2445 Fax 07 3720 9844 Web www.qrtl.org.au Email qrtl@qrtl.org.au

To the first claim, one can quote Leon Kass, head of the US President's Council on Bioethics who said that:

"Although as a scientific matter, 'somatic cell nuclear transfer' (SCNT) may accurately describe the technique that is used to produce the embryonic clone, these terms fail to convey the nature of the deed itself, and they hide its human significance" New York Times, 29<sup>th</sup> May, 2005.

Similarly, the journal "Nature" (which is in favour of using embryos for research) said that:

"Stem-cell biologists should not try to change the definition of the word embryo...whether taken from a fertility clinic or made through cloning, a blastocyst embryo has the potential to become a fully functional organism. And appearing to deny that fact will not fool die-hard opponents of this research. If anything, it will simply open up scientists to the accusation that they are trying to distance themselves from difficult moral issues by changing the terms of the debate"

The "Prohibition of Human Cloning Act 2002" defines "embryo" to specifically include "a human embryo that had its development initiated by any means other than by the fertilisation of a human egg by human sperm" and it specifies SCNT and parthenogenesis as two means by which an embryo could be made. The acronym SCNT describes a technique of cloning, nothing else.

To the second claim - that it couldn't possibly become a human being - we ask why not? If it is adequate to supply stem cells, surely it is of potential at that stage to go further. It is curious that the Lockhart committee was quite willing to accept claims that identical human embryo clones to those they seek to justify were successfully made by the Korean team, a claim that was subsequently shown to be fraudulent.

The other point is simply one of reason. If researchers want to acquire human embryonic stem cells precisely for use in, or research on, diseases affecting the human race, they can only acquire them from a human embryo! A human embryo IS a human being! One does not acquire humanity somewhere along the gestational highway. If it "couldn't become a human being", the most likely reason is that there is no intention to allow it to become one. However, if the fourteen days limit on growth were removed, would that make a difference to the embryos potential for growth and development?

Both the Lockhart committee and the two pieces of legislation before parliament seek to change the definition of human being to being human only after the first cell division of the embryo thus formed by SCNT. This is not based upon any new discovery on the nature of the human genome, but rather attempts to obfuscate the moral dimension, as well as paving the way for further manipulations of the embryo.

### **3. Cloning is wrong because it treats the human embryo as a laboratory product.**

The sole purpose for being for a cloned human embryo is what it can offer to "science". Currently, two proposals are in vogue. The one popularised prior to the 2002 legislation was to find cures for disease by replacing diseased or damaged tissue with healthy stem cells that could restore function. However, that has been now largely dismissed as not possible or prohibitively expensive. The second is using the embryo to study mechanisms of disease, test drugs and maybe develop pharmaceutical products aimed at restoring function.

It is an axiom of all agreements, documents and other universally accepted pieces of writing on human experimentation that the subjects be not harmed by the experiments, and it be for their immediate potential good. The less likely that is, the more important it becomes that the subject be removed from harm. This is clearly subverted in the case of "therapeutic" cloning, more accurately referred to as destructive cloning where the subject is totally at the disposal of the laboratory, and will indeed be destroyed by law if not during the process of being used. How distant from being "therapeutic" could one be?

On the subject of cloning, in 2005 there was a non-binding majority vote against all forms of cloning, to which Australia is a signatory based upon the 2002 legislation. What has changed in either the moral or scientific aspects to make this an irrelevancy?

#### **4. Cloning is wrong because it is a violation of the human bond**

A human embryo clone has no parents in the normal sense of the term, since it is actually an identical or near-identical copy of the donor of the DNA, and its 'mother' is an emptied-out egg. The DNA donor could be from anywhere around the globe. **In the amendments of Senator Patterson, it is even permitted to use precursor cells from another human embryo or foetus to acquire DNA! What bizarre and offensive ideas are we contemplating in the name of science!** It is unconscionable for a country like Australia, whose whole national history has been marked by notions of equality, freedom for the individual, the common humanity of the human race and care for the less well-off, to voluntarily agree to create a whole new class of human being, aptly called "laboratory humans", who have no association or connection with any other human being, no family or individual to be concerned or responsible for it.

**We believe, along with the greater than 90% of submissions to the 2002 Senate committee on cloning, that any consideration of the human debacle that cloning represents far outweighs any considerations of the real or imagined benefits to accrue from such research.**

#### **5. Animal/human mix hybrids and using genetic material from more than two persons**

This represents a further desecration of humanity, and can only be put forth by those whose ideology is completely antipathetic to the human embryo as a human being. It is as if an "anything goes" philosophy abounds amongst some quarters of the scientific and political populace, but would most likely get a reaction of disgust from the average Australian. We are told that the reason for the former is to anticipate the expected shortage of human eggs (most women are sensible enough not to want to be guinea pigs), but as the law of gradualism prevails in this arena, it would not be surprising that further encroachments on the animal/human percentage was not being anticipated "just to see what happens." It is apparent that the authors of these notions see the human embryo as nothing more than a bunch of cells at their disposal. Although we are not aware of the purpose of the latter proposal, it does not matter as it treats the embryo as some type of molecular mixture devoid of intrinsic value.

## Discussion on the Lockhart Review

It is fair to say that the Lockhart committee was not representative either in its findings or in its composition. Although that is not the issue for this senate committee, it is relevant to the discussion because the Lockhart report is used as the justification for drastic changes to the 2002 legislation, to the ethical underpinnings of research into human disease in this country, and even to Australian law as it legalises deliberate killing of embryonic human beings.

## Findings of the Committee

The background to the explanatory memorandum on Senator Patterson's bill states that it had consulted the community extensively, listing all the ways by which it did so. However, it never acknowledged that over 80% of the 1035 submissions received opposed any change to the prohibition on human cloning for research! Whilst recording the total number of submissions on page 18, no breakdown of the submissions for or against was given. An independent analysis by "Do No Harm" has provided this estimate (see [www.cloning.org.au](http://www.cloning.org.au)). This gives the report no mandate to pretend that its findings were representative of public opinion.

One of the briefs of the Lockhart committee was to "review the two acts in light of changes in scientific or community understanding or standards since 2002." As above, they misled the government by not indicating the weight of feeling against cloning.

Also, they chose to ignore the in-depth research conducted by researchers from Swinburne University of Technology conducted and published in 2004. This indicated that whilst the majority (63%) accepted adult stem cell research, they were not in agreement with using cells acquired by cloning. (Critchley, C Turney L 'Understanding Australians' perception of controversial scientific research' Australian Journal of Emerging Technologies and Society 2 (2004) page 95

Since then, other research has been done using a random sample of 1200 adults aged 18+ interviewed by phone in January this year. The research was conducted by Sexton Marketing Group for the Southern Cross Bioethics Institute based in Adelaide. The following is a brief summary of some of the questions asked

1. Do you support or oppose the idea of being able to clone or create genetically identical human beings from cloning?  
Support 6% Neutral 6% Oppose 86% Can't say 2%
2. Do you support or oppose the cloning of human embryos as a source of stem cells?  
Support 29% Neutral 12% Oppose 51% Can't say 8%
3. Before it was mentioned today, were you aware that extracting stem cells from a human embryo causes the embryo to be destroyed in the process?  
Yes 57% No 43%
4. (If No) Now that you are aware of this, do you support or oppose the cloning of human embryos as a source of stem cells?  
Support 14% Neutral 13% Oppose 61% Can't say 12%

### Composition of the Lockhart Committee

Also, all of the Lockhart committee members were already professedly pro-cloning (Professors Ian Kerridge, Loane Skene and Peter Schofield) or proved themselves to be. The fact that the membership of the committee was approved by States and Territories simply demonstrates that this committee's membership was skewed to get the result they wanted, as most of the states' premiers had already indicated that they are in favour of cloning, apparently seeing it as a money-earner in the biotechnology area, and in the case of Victoria and Queensland, had threatened to pass their own legislation if they didn't get federal approval.

The committee also went beyond their brief in another direction. Initially it said that "it is not the purpose of the review to revisit the underpinning community debate and rationale for the legislation". However, they did just this, in the process totally reversing the decision and resolved in the affirmative (in support of cloning).

A committee is not the voice of the nation when it seeks to override a unanimous decision made by both Houses of Parliament after extensive debate and thousands of submissions or individual letters from ordinary people who rarely write to their representatives. As mentioned above, over 90% of correspondence received opposed all types of cloning. It is not common to achieve this degree of unanimity on an issue.

We do not intend to go into the scientific debate over the merits of different types of stem cells. However, it is clear that when it considered the scientific debate, the committee was strongly influenced by the alleged breakthroughs of the Korean team led by Professor Hwang Woo Suk who claimed to not only have eleven patient-specific embryonic stem cell lines, but to have "performed with a level of efficiency that greatly increases its potential therapeutic application".

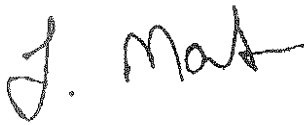
Only four days after the release of the Lockhart review on 19<sup>th</sup> December the Korean team fell from grace.

This means that there is no independently verifiable evidence that anyone anywhere in the world has created a single human embryo clone. There is no "proof-of-concept" that so much of the scientific weight of the Lockhart report was based upon.

**Conclusion**

1. Human cloning represents an unprecedented attack upon the dignity of the human person, both as a human being and as a member of the human race.
2. Legislation to approve the concept of a "laboratory human" is unconscionable
3. We do not believe that any amount of 'good' that may come from this research would ever outweigh the harm done to our society values
4. In any case, no evidence is there to support the claims of 'good' to come from the research.

Yours faithfully

A handwritten signature in black ink, appearing to read "J. Martin". The signature is written in a cursive, slightly slanted style.

Teresa Martin  
PRESIDENT