Mr Elton Humphery
Committee Secretary
Community Affairs Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

5th October 2006

Dear Mr Humphery,

Submission from the **Respect Life Office**
Catholic Archdiocese of Melbourne

Re: Legislative Responses to recommendations of the Lockhart Review

Thank you for your letter of the 18th September and your invitation to make a submission to the enquiry.

Introduction
In 2002 **The Prohibition of Human Cloning Act** was passed unanimously in both the Senate and the House of Representatives. The cloning of humans for any reason or none was outlawed in Australia. Many parliamentarians who favoured allowing "excess" IVF embryos to be used for research at the same time spoke strongly against the cloning of humans. What has changed four years later?

The Legislation Review Committee, chaired by the late Hon Justice John Lockhart recommended a number of key changes to the Act in it's report of 19th December 2005.

The Bill.
Senator Patterson's Bill following on from the Lockhart Committee recommendations proposes that a person may be granted a licence to:

1. Create human embryos other than by fertilisation of a human egg by a human sperm, and use such embryos;
2. Create human embryos (by a process other than fertilisation of human egg by human sperm) containing genetic material provided by more than 2 persons, and use such embryos;
3. Create human embryos using precursor cells from a human embryo or a human fetus, and use such embryos;
4. Undertake research and training involving the fertilisation of a human egg, up to but not including the first mitotic division, outside the body of a woman for the purposes of research or training;
5. Create hybrid embryos by the fertilisation of an animal egg by a human sperm, and develop such embryos up to, but not including, the first mitotic division provided that the creation or use is for the purposes of testing sperm quality and will occur in an accredited ART centre; and
6. Create hydrid embryos by introducing the nucleus of a human cell into animal egg, and the use of such embryos.

New definition of "embryo"
The Patterson Bill appears to refine the embryo as follows:

> **A human embryo is a discrete entity that has arisen from either:**
> **(a) the first mitotic division when fertilisation of a human oocyte by a human sperm is complete: or**
> **(b) any other process that initiates organised development of a biological entity with a human nuclear genome or altered human nuclear genome that has the potential to develop up to, or beyond, the stage at which the primitive streak appears:**
> **and has not yet reached eight weeks of development since the first mitotic division.**

Problem with part (a)
The first mitotic division is not the beginning of life but occurs at some point around sixteen hours after fertilisation. Human embryonic development begins at fertilisation not at some arbitrary point afterwards. Such a definition would remove the embryo from protection under law and would allow exploitation and experimentation of embryos not yet sixteen hours old.

Problem with part (b)
In 2002 Parliament agreed to a compromise position that embryos were not to be created solely to be destroyed. Embryos were only to be created with the intention of achieving a pregnancy.

Part (b) undermines the current definition of embryo and makes the definition vulnerable to *claims* that cloned embryos are not "real embryos." It has the potential to create a second class of embryos for experimentation. Proponents may argue that these embryos only become embryos once they are implanted and that if they are not allowed to be implanted and therefore not allowed to develop to the primitive streak stage and beyond then we cannot call them embryos.

In addition, this definition appears to allow the possibility that cloned embryos could be deliberately disabled to ensure that they could not develop normally to the primitive streak stage, effectively placing them outside definition of an embryo and without legal protection.

Attempts to redefine the embryo have been condemned by the scientific community. One of the leading scientific journals Nature[1] described such attempts as "bizarre." The Nature editorial said that this stemmed largely from the

> *"fear" that the word "embryo" is a lightening rod that attracts negative scrutiny…there is little scientific justification for redefining it. Whether taken from a fertility clinic or made through cloning, a blastocyst embryo has the potential to become a fully functional organism. If anything, it will simply open up scientists to the accusation that they are*

[1] "Playing the name game" Nature Editorial *Nature* 436, 2 (7 July 2005)

trying to distance themselves from difficult moral issues by changing the terms of the debate.

Public debate is not helped by playing word games to avoid the facts. We should stick to using clear and simple language to allow the public to participate and so not to try to hide what proponents are really talking about doing.

The Lockhart recommendations are extreme

Federal parliament voted in 2002 for a compromise position that allowed for destructive research on so-called "excess" IVF Embryos. At the time it was argued that these "left over" embryos from IVF programs were going to die anyway, so that they may as well be used for research. The theory was that some good might come of such research.

Embryonic stem cells extracted from "excess" embryos and the lines derived from them were going to cure a long list of diseases. Many promises were made about cures being just around the corner. In fact all kind of exaggerated claims were made and many promises were given about the cures that would soon follow. False compassion and false hope prevailed. And today four years later and nine years since Dolly the sheep was cloned, there are still no such therapies from embryonic stem cell lines, or from embryonic research. And such therapies if at all possible are still years away. At the same time scientist are deriving significant new treatments and therapies from adult stem cells.

Despite this fact we are now debating taking another huge leap. From a small, (yet significant) amount of research on human embryos we are now debating a major leap to allow the creation of human embryos *purely* for destructive research. Manufactured by whatever means we can, with more than two parents, genetically manipulated, perhaps even part animal and part human.

There is no clear public support for human cloning.

A recent Morgan Poll claimed 80% public support for the extracting of embryonic cells from human embryos.[2] However such claims are unreliable, and misleading given that the public is told that embryonic stem cells are made by "merging an unfertilised egg with a skin cell, in which case no fertilisation and no merger of the egg and sperm takes places." No mention here of cloning or that a new human life has been manufactured. Certainly no mention of the word "embryo."

In simple English they might have said that a cloned human embryo is created, allowed to develop for a few days and then the embryonic stem cells are extracted –a process which destroys the embryo. Such language again appears to be designed to hide the fact that an embryo is created and destroyed in the process. The only problem is clear English might mean that a different response was given.

A survey done by Sexton Marketing for the Southern Cross Bioethics Centre this year would appear to confirm this. Sexton Marketing found that 51% of Australians opposed cloning of human embryos as a source of stem cells. In

[2] www.roymorgan.com/news/polls02006/4036/index.cfm?printversion=yes

addition the survey found that a very substantial minority of 43% were not aware that the embryo was destroyed in the process of extracting stem cells.[3]

Current debate confusing

Much of the media debate has centred on claims that tailor-made embryonic stem cells have enormous capacity to cure disease. Key proponents have been active in this debate calling for the implementation of the Lockhart recommendation with claims like this one from Bob Carr;

> "somatic cell nuclear transfer, or therapeutic cloning involves no sperm, no fertilised egg, no womb, no uterus and no human life…the embryo in embryonic stem cell research is not a human being…The whole point of therapeutic cloning is providing patients with therapies their bodies won't reject… Therapeutic cloning hold great promise for sufferers of diabetes, Alzheimer's, motor neurone disease and untold other afflictions.[4]

Yet no language, however seemly scientific can obscure that fact that it is early human life that is being manipulated and destroyed by human cloning and embryonic stem cell research.

If somatic cell nuclear transfer or therapeutic cloning were to be used to treat disease it would involve creating a clone or twin of the person with the disease, and then taking the embryonic stem cells from the developing embryo, destroying the embryo in the process. A cloned embryo would need to be created every time for every person and for every disease they develop. The cloning of animals is technically a very difficult process, which requires many attempts before a clone is manufactured as Dolly the sheep demonstrated. At this point in time it is extremely technically difficult to successfully clone a human embryo, let alone derive embryonic stem cell lines from such embryos. Although the Korean team claimed to have done so after many attempts even this has since proved to be a fraud. Currentlyit is not technically possible to use cloned embryonic stem cells to treat disease in humans nor is it possible to do so in animals. There is not even any proof that this might work in animals. So why the rush?

Freedom to practise the cloning of humans?

The Lockhart Committee recommendations are not really about curing human disease. T here are other more promising ways of doing that. Instead the recommendations would allow scientist to practise doing human cloning, human-animal cloning and genetic manipulation, even if it means that for now the resulting embryos are destroyed before they are allowed to mature. We should be wary of this, as the techniques used for so-called "reproductive cloning" are the same.

[3] "Cloning can affect votes, MP told." The Age 22/8/06

[4] Bob Carr, "Stem cells support science of saving lives" *The Daily Telegraph* (24/08/06)

Patterson's Bill should be rejected.
For these reasons the Senator Patterson's Bill along with the Lockhart recommendations should be rejected. They are unrepresentative of the wider community and the value it places on human life. The majority of Australians do not support the cloning of humans for any reason. Nor do they support the creation of animal and human hybrids. In 2002 the Federal Parliament and the United Nations (supported by Australia) called for a ban on human cloning. Claims that human cloning is required for the advancement of science remain unsupported by evidence and are unethical.

Only a purely pragmatic approach to medical science could recommend the creation of humans, and animal human hybrids purely for research and experimentation. No scientific research, no matter how laudable its aim, can ever hide the fact that a new human life— a new embryo is being created and destroyed in the name of progress. But at a terrible cost.

All human cloning is cloning and is "reproductive", whether it is called "SCNT", "therapeutic" or "reproductive." Human life should never be reduced to a plaything or commodity.

The medical and scientific community should be encouraged to continue to search for genuine cures and treatments for all those who are ill but to do so ethically and not to undermine the lives of the vulnerable and weak in our community.

Thank you for your invitation to make a submission to the Australian Senate Community Affairs Legislative Committee. I would be happy to discuss my submission further should that be helpful. I can be contacted on (03) 9412 3373 or mriordan@jp2institute.org

Yours sincerely,

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