

Senate Community Affairs Committee Submission

Legislative responses to recommendations of the Lockhart review

Introduction

As a member of the community, I wish to make a submission on the proposed bill to amend the *Prohibition of Human Cloning Act 2002* and the *Research Involving Human Embryos Act 2002*. In this submission, I will address the change in definition of a human embryo and the proposed changes outlined in the draft Bill.

The object of this Act is to provide for the continuing national development of responsible medical research through the use of stem cells and support the national interests of scientific and medical progress.

I do not believe that it is “responsible medical research” to create a life for the sole purpose of experimenting on it and then destroying it. I also do not believe it is in either Australia’s or science’s best interests to pursue this line of research when an ethical and far more useful alternative exists and as such, I do not think this proposed amendment should even be debated as it completely goes against what the Act was originally intended for.

In fact, to allow a vote on an issue involving the creation and destruction of human life immediately cheapens all human life. To say the worth of life can be voted on as if it were tax reform or new trade rules reduces all of us to commodities that are at the mercy of majority opinion. Even if the vote goes in favour of protecting life, a precedent is set that it **can** be voted on, and so could be voted on again and the original decision overturned.

As we live in a democratic society, we are used to things being voted on, and indeed many must, but the value and dignity of human life **must not** be something that is subject to the whims of the majority or used for political point-scoring. I am therefore disappointed that I even need to **make** this submission in the first place but I believe certain truths and common sense must be outlined on such a sensitive and divisive issue.

Definition of a human embryo

The proposed Bill intends to change the definition of a human embryo to allow scientists more time to conduct experiments on it before they are required to destroy it. The proposed definition has no basis whatsoever in accepted science, it is purely for convenience. But changing the definition of something does not change what it **is**. Carbon Dioxide does not cease to be a greenhouse gas because we define a greenhouse gas as being present only when it is present in a particular quantity. A nuclear weapon does not cease to be a nuclear weapon because we change the definition to a weapon that is capable of destroying one million people when previously it was defined as containing radioactive material.

Likewise, a human embryo does not cease to be a human embryo – that is a human being in his or her tiniest, most vulnerable state – because we define it in terms of a primitive streak. It was, and is, a human embryo as soon as fertilisation occurred, or in the case of cloning, as soon as the nuclear transfer has taken place. It does not take a rocket scientist (or a geneticist for that matter) to know that you cannot change the essence of something by changing its name – “A rose by any other name would smell as sweet”.

Having established that what we are proposing to experiment on is a human being, can we in good conscience do it? Human beings have a dignity and value quite apart from their body parts. Our very successful proliferation and dominance of the planet attests to the fact that we are truly more than the sum of our parts. Each of us is one of a kind, even identical twins. Each of us has an inherent dignity and worth. Uniquely among all living things on earth we can reason, we can choose, and we can love.

This all begins, logically, at conception, where our genetic makeup is determined. From that point on a continuum of life is begun, in all its myriad wonder and mystery, which is only severed by death. Octogenarian, toddler, adult, foetus, teenager, embryo, child – these are all only names for different **stages of life**. One does not transition from a semi-alive child to a fully alive teenager when one turns 13, neither does one transition from “ok to experiment on” to “not ok to experiment on” when one turns 14 days old. Each stage is part of the same continuum of life, a life which, **at all stages**, has identical dignity and value as a human being.

I also take offence to the term “**licenced embryo**”. This has overtones of slavery or patents. This is the language of commerce and trade, not of human rights. It reduces a human being to a commodity, an object, and the licence is to kill. In plain English, this Bill proposes to license scientists to create and kill human beings provided that they follow certain rules, much like a chicken farmer or beef producer. Lovely.

Amendments to legislation

In plain English, this Bill proposes to allow the:

- cloning of human embryos,
- creation of animal/human hybrid embryos,
- importation and exportation of human embryos or embryo clones,
- creation of human embryos for a purpose other than achieving pregnancy (ie experimentation and then destruction),
- creation of a human embryo with genetic material from more than two people,
- use of cells from a human embryo or a human fetus to create a human embryo

In addressing the above, let me begin by saying that I believe that science and medicine are pillars to serve the community, not to dictate to us. Simply because science **can** theoretically achieve something, does not mean that it **should** do so. One needs to look no further than the development of weapons of mass destruction for justification of this statement.

The question then, is not whether science can achieve something and should be allowed to do so unhindered, but what sort of community do we want to create? If we decide that the kind of community we want to live in is one where a person is valued for what they are able to contribute, having no physical flaws or disabilities, how much money they can contribute to the economy, their intelligence, the necessity of their skills or anything else that we might consider “useful”, then going down this path makes sense. If all a human being is worth can be measured in dollar terms, then what is stopping us from breeding whole farms of people to provide valuable research subjects and forced organ donations for those who are more important?

On the other hand, if we would like to live in a society where each person is recognised as a unique individual, valuable not for what they can do, but for **who they are**, where everyone is afforded the same level of dignity regardless of their background, intelligence, gender, disabilities, income level, idiosyncrasies and skills, then we need to ask scientists how they can help us achieve the society that we desire in an ethical way.

Scientists are able to do much good, or much harm. The expertise of scientists gives them a place of power in our society, and power always has the ability to corrupt. The power over life and death is a heady cocktail indeed, able to inspire a deep reverence, but also able to expose scientists to more than the usual amount of temptation. We of course should respect our scientists, but they are human as much as any of us, and we should not expect them to be somehow “above temptation” as if they were more than human. And we cannot allow science to dictate community standards as if we were slow or stupid and not capable of understanding the broader issues. We also cannot allow our own mortal fears of death and disease (or not keeping up with the Joneses) to compromise the very value of the lives we are trying to save.

Fortunately, in Australia, we have scientists who are at the cutting edge of successful stem cell technology – **adult** stem cell technology. In fact, as a Queenslander, I am proud to say that Queensland scientists are leading the way in this field. Adult stem cell technologies have so far resulted in above forty treatments. Earlier this year, scientists in Brisbane discovered a rich source of adult stem cells in the nose, easily obtained, and capable of being stimulated to turn into any type of organ. Adult stem cells provide an exact match for a patient so that they will not be subsequently rejected. They also do not have the tendency to turn cancerous as embryonic stem cells seem to. And importantly the use of adult stem cells does not divide the community.

In contrast, embryonic stem cell research has only produced a lot of dead embryos and a few disgraced scientists. It is unfortunate that two out of three scientific reports that the Lockhart Committee relied upon have been subsequently proved fraudulent and the recent news that embryonic stem cells were harvested (if this were not unethical even in itself as outlined above) without killing the embryo was a blatant lie as documented in the original *Nature* journal article itself. And significantly, the technology **divides** the community that it is supposed to serve.

The bottom line is that it is **simply not necessary** to pursue an unethical path where a successful ethical alternative exists. Fear of Australia being “left behind” is not sufficient reason to pursue it. Thin hopes of success somewhere in the distant future are not sufficient reason to pursue it (especially where an ethical alternative is producing results **now**). Fear of death and disease is not sufficient reason to create, harvest and destroy thousands of innocent human lives. Lives with dignity, value and potential. **Nothing** has changed in the last four years to warrant such a radical departure from the type of society that most Australians would want.

Indeed what **could** possibly justify treating humans in their tiniest, most vulnerable form as if they were no more than lab rats or a pile of interesting rocks? Only valuable for what they might be able to tell us. The very nature of human embryos should inspire us to protect and nurture them – for we were once that small and helpless. What could possibly justify the creation and destruction of human life at will? What possible difference would having a licence make? Does have a licence make someone a good driver? An objective critic of their own shortcomings and their effect on other road users? What could possibly justify the trading of humans around the world like slaves or cattle or bananas? No human should be treated as a commodity for the use of the privileged few. What could possibly justify disfiguring human life by combining it with animal DNA or DNA from more than two parents?

Certainly not fear, which is what the proponents of this Bill and any other similar Bills are relying on – fear of death, fear of disease, fear of missed opportunity, and most grotesque of all, fear of not keeping up with the Joneses of the world as if we were talking about plasma screens or broadband and not human life. There were many voices in the Senate that decried the “follow the crowd” mentality of the Iraq war. Now some of these same voices are demanding not only that we follow the crowd in this equally divisive issue, but that we launch our own pre-emptive strike.

Conclusion

It is completely hypocritical to speak about animal rights, conservation, poor refugee treatment, bowing to the US and UK, inadequate responses to climate change and unjust industrial relations laws if we then turn around and say that the fundamental building block of our society, the human person, beginning, as it always does, as a human embryo, may be treated as a commodity with no rights or dignity, able to be created and destroyed, disfigured, traded etc for the purposes of research and the supposed “greater good”.

In this submission I have tried to lay out the facts and truth as plainly as possible. As a member of the community I can appreciate the value in calling a spade a spade rather than “an instrument commonly made of wood and metal with a rectangular blade used for piercing earth” or some other such fancy nonsense that does not add to understanding the heart of the matter.

In summary, my major points have been:

- The dignity, worth and life and death of human beings is not something that should ever be voted on. To subject such things to a vote immediately cheapens them regardless of the outcome of the vote.
- The essence of a thing does not change if one arbitrarily changes its name – a human being is a human being with dignity and worth regardless of the number of primitive streaks it may or may not have.
- Human beings should never be subjects of licences as if they were slaves or a new drug or some other commodity.
- The question is not whether scientists should be allowed to pursue this line of research, but what sort of society do we want to foster?
- The power over life and death has a particular temptation to corruption.
- Embryonic stem cell research is not necessary when ethical alternatives exist, that do not divide the community and are producing results.
- Fear is not a good enough reason to rob human life (in its tiniest, most vulnerable form) of its inherent dignity and worth.

Thankyou for taking the time to read this submission.