

29 September 2006

Mr Elton Humphrey
Committee Secretary
Parliament House
CANBERRA ACT 2600
Community.affairs.sen@aph.gov.au

Dear Mr Humphrey,

Legislative responses to recommendations of the Lockhart review

Thank you for the opportunity to comment on the legislative responses to recommendations of the report of the Legislation Review Committee on the *Prohibition of Human Cloning Act 2002* and the *Research Involving Human Embryos Act 2002*

The Australian Society for Medical Research (ASMR) is the peak body representing health and medical researchers in the country. In addition to direct membership, ASMR represents the sector through 42 affiliated professional societies and medical Colleges, representing some 15,000 people actively involved in health and medical research. Our corporate and disease related foundation memberships bring a further 100,000 Australians with an interest in health and medical research into association with ASMR. Our mission is to foster excellence in Australian health and medical research and to promote community understanding and support through public, political and scientific advocacy.

The ASMR has consistently stated that it considers stem cell research of significant potential benefit for Australia and Australians and that these benefits should not be blocked by legislation to prevent approved research into the use of human cells derived from existing human embryonic stem (ES), cloning techniques, or the derivation from primordial germ cells. The use of these cells in cellular and developmental biologic research activities provides significant promise for the development of new medical treatments for serious conditions such as heart disease, diabetes, spinal cord injury, Parkinson's disease, etc. The ASMR does however, consider it unethical and unsafe to use reproductive cloning to produce human fetuses.

The ASMR on August 15, 2005 made a submission to the Legislative Review Committee Legislation Review of Australia's Prohibition of Human Cloning Act 2002 and Research Involving Human Embryos Act 2002. In that submission the ASMR supported the following:

- 1. A continuation of the 2002 legislation authorising the destruction of human embryos including derivation and studies of embryonic stem cells**
- 2. Accurately defining and prohibiting reproductive cloning**

- Prohibition of using egg and sperm to create embryos with specific genetic properties for research.
- Prohibition of implanting a human embryo (other than those created by fertilisation of a human egg and sperm) in the uterus of a woman for the purposes of reproduction.
- Prohibition of the growth of a human embryo in any place other than the uterus of a woman, past the stage corresponding to development of an embryo for 14 days in vivo.

3. Allowing research into improved clinical care and human health

- Stem cell lines not formed from a fertilised embryo and that are studied entirely in vitro should not be considered an embryo. This includes pluripotent cells derived by nuclear transfer. It would be an offence to implant such a cell in a human uterus.

4. The decision by the Commonwealth and State Governments to allow the use (with appropriate consent and ethical approval) of excess assisted reproductive technology (ART) embryos

- The NHMRC Australian Health Ethics Committee and institutional human research ethics committees should have responsibility of managing ethical issues surrounding the use of excess ART embryos donated for research with the donors consent.

In response to the recent *Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006*, The ASMR agrees with the committee's recommendation of a continuation of a national legislation imposing prohibitions on human reproductive cloning and some specific ART practices, and supports the following proposed amendments to the *Prohibition of Human Cloning Act 2002 and Research Involving Human Embryos act 2002*.

1. Enable certain types of research involving embryos to be permitted provided that the research is approved by the NHMRC Licensing Committee and that the activity is undertaken in accordance with a license issued by the committee, including:

- Use of excess ART derived embryos
- Creation of human embryos other than by fertilisation of a human egg by a human sperm, and the use of such embryos, including:
 - (i) containing genetic material provided by more than 2 persons
 - (ii) using precursor cells from a human embryo or a human fetus
- 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 women for the purposes of research or training
- Creation of hybrid embryos by introducing the nucleus of a human cell into an animal egg and the use of such embryos.

2. Retain existing prohibitions on activities such as:

- Placing a human embryo clone into the human body or the body of an animal
- Creating a human embryo by fertilisation of a human egg by human sperm, for a purpose other than achieving a pregnancy in a woman,
- Creating or developing a human embryo by fertilisation of a human egg by human sperm which contains genetic material provided by more than persons
- Developing a human embryo outside of the body of a women for more than 14 days
- Making heritable alterations to a human genome
- Collecting a viable human embryo from the body of a woman
- Creating or developing a chimeric embryo
- Placing a human embryo in an animal, a human embryo into the body of a human other than into the female reproductive tract or an animal embryo in a human
- Importing, exporting or placing in the body of a woman, a prohibited embryo

We draw attention to the fact that the failure to capture the scientific recommendations of the Lockhart Review by not enabling certain types of research involving embryos to be permitted as outlined above (provided that the research is approved by the NHMRC Licensing Committee) would be a setback to the progressive research programs of the world class stem cell researchers based in Australia, and would deny the Australian people potential health and economic benefits that may arise from stem cell research.

In making these comments it should be noted that the ASMR position is that of the majority of members; we acknowledge and respect the differing views of some members.

Thank you for seeking the input of ASMR and we hope that these comments are useful. Should any further input or clarification of our comments be required, please do not hesitate to contact ASMR through our Snr Executive Officer Ms Catherine West.

Yours sincerely,



Dr Mark Hulett, PhD
ASMR Executive Director



Prof Levon Khachigian, PhD, DSc
ASMR President