

Mr Elton Humphery
Committee Secretary
Community Affairs Committee
Department of the Senate
PO Box 6100 Parliament House
Canberra ACT 2600

By email: community.affairs.sen@aph.gov.au

Dear Mr Humphery

Inquiry into the Legislative responses to Recommendations of the Lockhart Review

I am writing in response to Elizabeth Finkel's written comments regarding my evidence to the Committee in Melbourne on 24 October 2006. I would ask that you circulate this to the Committee members and participating members urgently as they consider their report. Finkel's comments are a gross misrepresentation of my evidence and of WFA's position on this issue.

1. Finkel says that I claim 'that only freshly donated eggs will be useful, and that they will be required in the thousands.' This is a correct representation of my evidence. However, Finkel goes on to say that this 'is all surmise on her part. Global experience is far too rudimentary to make any definitive claims about what sources of eggs will be useful.'

Finkel is entitled to disagree with my view. However, it is entirely misleading to dismiss my view as 'all surmise'. My view is supported by a careful and exhaustive examination of the available evidence and the peer reviewed literature. I invite Finkel and the Committee to read my written submission and to read the peer reviewed literature I reference. The available evidence gives strong support to the argument that thousands of eggs will be required and that surplus IVF ova, animal ova, and donation of fresh eggs by IVF patients are not practical, safe or ethical sources of ova.

This is not surmise. It is the *evidence*.

2. I agree that it is 'conceivable that research with animal eggs would allow enough to be discovered about "reprogramming factors" to make the use of human eggs unnecessary.'

But this is all surmise on Finkel's part. Just about anything is 'conceivable'. Where is Finkel's evidence that this might be a viable source of eggs? Research advocates (including the Lockhart Review) point to other conceivable sources of ova: cadavers, frozen ovarian tissue and production from stem cell lines. But none of these are currently viable sources. They might – and might not – be viable some time in the future. In my evidence I argued that it is premature to promote cloning on the basis of such speculative sources. Cloning for research is being proposed *now* and what we know *now* is that the best ova are fresh ova from live women.

3. Finkel says in relation to ova sources: 'The key issue is that too little is yet known to encase research in iron-clad legislation'. This is a good reason not to proceed with the legislation at this time. Cloning advocates have failed to demonstrate that sufficient ova can be sourced without harm to women. If in the future they identify a practical, safe and ethical source, then this debate can be continued and the legislation re-considered. In the meantime, it is irresponsible to proceed.

4. Finkel says: 'George also argues that informed consent regarding egg donation is not possible because the risks of super ovulation are not known precisely.' Finkel calls this an 'extremist claim' and I agree that it is. But I have never made such a claim.

I never said informed consent is impossible unless precise risks are known. The Hansard transcript confirms this. I did question the value and meaningfulness of informed consent when there is evidence of possible long term risks that are not well understood and require further investigation. I stand by this.

5. Finkel says: 'informed consent for egg donation is a standard part of IVF. Clearly the law recognizes it is possible to give informed consent even based on an estimate of the risks of the procedure.'

What the law says and what is happening on the ground are not necessarily the same things. In my evidence I mentioned that a number of Australian studies cast doubt on whether women are adequately informed of the risks of egg harvesting. For example, an NHMRC survey of IVF clinic information brochures found that not all mentioned the main adverse outcomes of IVF procedures. The risks were downplayed and the information communicated in an overly positive and reassuring manner.¹ A recent journal article concludes: 'AR is increasingly represented as 'routine' and this tends to downplay the associated risks... Whether women are adequately informed of the risks is highly debatable.'²

6. Finkel claims that 'George also suggests that donation without coercion, even in the absence of commercial rewards, is not possible because women will feel coerced, perhaps by family members... that women are incapable of exercising free choice about whether to donate eggs.'

This is a misrepresentation of my argument. I have never claimed that 'donation without coercion' is impossible, nor that women are 'incapable of exercising free choice' about egg donation. The Hansard transcript confirms this.

But choices do not occur within a vacuum. They always occur within a context. I have argued that women's decisions to donate eggs must be considered within the context of powerful economic and social forces which have vested interests in women's decisions about their eggs: the biotechnology industry, scientists, research advocates and patients themselves who may well exercise influence – albeit well meaning – in the hope of treatments.

This is not to assert that women are incapable of exercising choice in this context. But it does require us to consider the voluntariness of a woman's decision to donate ova and to question the value, worth and power of such a decision.

7. Finkel states: 'All clinical trials rely on people willing to incur some small risk for the benefit of others... Does she suggest that clinical trials be outlawed?'

Of course I do not make this suggestion. However, clinical trials must be conducted ethically.

¹ National Health and Medical Research Council (1998) *The Long –Term Effects on Women from Assisted Conception*, AGPS Canberra. See also R. Klein (1989) *The Exploitation of a Desire: Women's Experiences with In Vitro Fertilisation*, Deakin University Press, Geelong; C. Ewing (1992) *Manufacturing Babies: What Reproductive Technologies Mean to Women*, National Women's Consultative Council, AGPS Canberra.

² K. Bell, 'An Overview of Assisted Reproduction in Australia and Directions for Social Research' (2006) 4 *Australian Journal of Emerging Technologies and Society*, at 19

The Declaration of Helsinki is a statement of ethical principles to provide guidance to physicians and other participants in medical research involving human subjects. It states: 'Every medical research project involving human subjects should be preceded by careful assessment of predictable risks and burdens in comparison with foreseeable benefits to the subject or to others... Physicians should abstain from engaging in research projects involving human subjects unless they are confident that the risks involved have been adequately assessed and can be satisfactorily managed.'³

Giving the legislative green light to cloning is premature because of the certain risks to women and because we lack 'careful assessment' about the long term health risks of egg extraction. In comparison there are no foreseeable benefits to the subject herself and benefits to other generations have been described by scientists as 'possible'. The risks of egg extraction have not been adequately assessed to justify women donating ova for clinical trials or experimentation.

In weighing the certain risks to women egg donors against the possibility of treatments for future generations, the Declaration also states that 'considerations related to the well-being of the human subject should take precedence over the interests of science and society.'

8. Finkel asks: 'Who does Katrina George represent? She claims to represent Australian women. She admitted to the committee that her newly convened group Womens' Forum Australia have 60 members.' I have *never* claimed to represent Australian women as if they are some unified, homogeneous group. What person and what organisation could make such a sweeping claim? Australian women are diverse and their opinions are diverse on this issue as on all issues.

If numbers matter, I stated in evidence that WFA has subscribers approaching 2,000 women but Finkel conveniently leaves this out. I also said in evidence that WFA is part of an international coalition of women called Hands Off Our Ovaries. There are signatories to the Hands Off Manifesto from over 17 countries across the world calling for a moratorium on egg extraction for research.

However, as others have stated during the hearings, this issue is not a plebiscite. It's about the substantive arguments. It is on that basis that I gave my evidence.

Sincerely



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³ <http://www.wma.net/e/policy/b3.htm>
