



Speech by

PETER WELLINGTON

MEMBER FOR NICKLIN

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**PROHIBITION OF HUMAN CLONING BILL
REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS AND
ASSISTED REPRODUCTIVE TECHNOLOGY BILL**

Mr WELLINGTON (Nicklin—Ind) (5.00 p.m.): I rise to participate in the debate on the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003. At the outset I thank the Premier and his government for agreeing to divide this bill and allow government members to have a conscience vote on this bill. I note that the objects of these two bills, as indicated in the explanatory notes, are to address ethical and safety concerns about scientific developments associated with reproductive technology by prohibiting human cloning; prohibiting certain other practices associated with reproductive technology; and regulating the use of excess assisted reproductive technology—ART—embryos for research and other activities.

I also note that the Premier has advised that these two bills form part of national scheme legislation which reflects the decisions made at the meeting of the Council of Australian Governments in April 2002 to ban human cloning and certain practices involving reproductive technology that raise safety and ethical concerns. In the Premier's second reading speech, he also stated that the bill addresses the commitment by the Council of Australian Governments to a nationally consistent approach to regulate research involving human embryos, such as embryonic stem cell research, which has the potential to prevent or cure disease and save lives.

This is not the first time we have seen bills introduced into our parliament as a result of agreements reached between ministers and Premiers at forums and meetings of other state and federal Ministers. My questions to the Premier are: who from his government attended the Council of Australian Governments meeting last year? How did the minister determine what this government's view on this matter would be during the discussions at the meeting? What commitments did his minister give to introduce consistent legislation in Queensland before his government discussed this matter with Queenslanders? Is the commitment given at the Australian Government representatives meeting binding on the state government? What was the process followed in this instance in the lead-up to the meeting, at the meeting and after the meeting?

Since the introduction of the Cloning of Humans (Prohibition) Bill on 27 November 2001 and the introduction on 25 February 2003 of these two bills currently before us, I have not received very many submissions from members of the community. One letter I have received is from Peter Fry of Mitchell and he says—

I am writing to you regarding the Embryonic Stem Cell Bill which I understand is to be tabled today. I understand this could possibly be a conscience vote. If so, I urge you to think long and hard what the thoughts of the voters who elected you would want. In my opinion a conscience vote should reflect the feelings of the electorate and not the personal feelings of the elected member. It is the duty of the elected member to ensure this happens. I would be interested to hear which way you will vote on this issue. I am a C5/6 quadriplegic and a strong supporter of ESC research. I am interested to know whether the ban on human cloning would include banning somatic cell Nuclear transfer (therapeutic cloning)? I feel this somatic nuclear cell transfer/therapeutic cloning could be an important part of this research process. I hope this debate does not get sidetracked by business and minority interest issues as happened in federal parliament. Unfortunately many people (this includes doctors and some scientists) base their feelings on this issue on science fiction without being aware

of the available scientific data. It was with despair I read some of the claims and various shadings of the truth that were presented to the Senate inquiry. Embryonic stem cells have great potential, but unfortunately ESCs sourced from discarded IVF embryos will require tissue matching and immune suppression drugs to be used. Somatic cell nuclear transfer derived embryos will match the recipient's tissues, thereby removing the problem of rejection.

I am a C5/6 quadriplegic who runs a 20,000 acre grazing enterprise south of Mitchell. Before they vote I beg any parliamentarians who cannot vote in favour of this type of research going ahead to visit a spinal injuries unit and look closely at the quality of life the patients there are sentenced to. Watch the people who have to have someone else blow their nose for them. Ask about the indignity and invasion of basic personal privacy these people undergo daily as their bowel and bladder program is carried out, often by a stranger. Then go and see a parent who has a child suffering from multiple sclerosis, spina bifida or Down's syndrome. Ask them if they see any problem with embryos from an IVF which are going to be discarded being used in research which has the potential to give their child a normal, active, long life.

Ring me and ask how much I long to be able to pick up my three children and hug them, to be able to run and play normally with them. These embryos are going to be discarded, they will then die. Surely there is no difference between a kidney or heart transplant from a victim of a car accident and using these as yet unformed humans to better the lives of breathing, thinking people. This research may not produce any results, but unless we try we will never know.

God gave man the ability to think critically ... and to develop knowledge. Our duty as Christians is to be good stewards of this knowledge. This means that we must not deny the ethical and moral issues that accompany such knowledge. As such, Christians are required to seek and find principled solutions that protect all interests.

I believe ethical, moral and principled stem cell research is part of that mandate. Please carefully consider what the potential of this research could mean to myself, and many other people living in a personal hell that many of these injuries and diseases impose. I am willing to hear from any elected members (or the public) who wish to question me or justify their opposition to my views and hope that if I meet any of you in the not too distant future I will be a living testimony to advances in modern medical science.

I have also received two letters against the bill, one from Mrs Jenny Stokes, who I note is from Victoria, as follows—

Dear member, we urge you to vote against the use of any form of human cloning when the Queensland Legislative Assembly debates the cloning and stem cell research legislation next week. We also urge you to vote against allowing any research using embryos. Please consider these points:

When stem cells are extracted from an embryo, the embryo is killed. An embryo is a living human being. At conception the DNA for a new human life is formed. There is no research showing any successful treatments using embryonic stem cells. Adult stem cells are already being used successfully to treat illness. They have no rejection problems and no ethical problems since the patient's own tissue is used to obtain the stem cells. For all the research on adult stem cells, see www.stemcellresearch.org. Please vote against cloning and embryonic stem cell research.

And a pro forma letter from the Queensland Coordinators for Right to Life Australia, Graham and Liz Preston, states—

On behalf of our supporters, we would add our voices to the growing demand to have the Research Involving Human Embryos and Prohibition of Human Cloning Bill 2003 split into two bills. It is very hypocritical for there to be a conscience vote when, with the bill in its present form, it will be impossible for many members to truly exercise their conscience. Many members rightly want to vote to ban all human cloning but they also want to vote against human embryos being allowed to be destructively used. Unless the bill is split they cannot do this. We would urge you to support the move to have the bill split.

I am pleased, as I have already indicated, that the Premier has agreed to this. The letter continues—

If the attempt to split the bill fails, we would urge you to vote against the whole bill. Human lives—even very young ones—must not be immorally used as a means to an end.

I note that clause 2(2) provides that certain provisions of the bill are due to commence on 5 April 2005 or 'if the Council of Australian Governments declares an earlier day by notice in the gazette'. This clause raises a very important issue and that involves the appropriateness of providing that the commencement of a Queensland act of parliament is dependent upon a decision made by a committee other than our parliament or the Governor or the Governor in Council. My question to the Premier is: what power does the Council of Australian Governments have and what happens if a future Queensland government changes its mind and no longer agrees to the national scheme legislation?

I note that this bill is broader than the previous one. As well as reintroducing the earlier bill's ban on human cloning, it also bans a range of other unacceptable practices associated with reproductive technology. This bill also establishes a national regulatory framework for the use of excess assisted reproductive technology embryos. For the benefit of members, I will now read some of the letters I received in relation to the previous bill which has been encompassed in this bill. Mr John Gary Duffy of Palmwoods wrote—

I am contacting you to implore that you do not vote for the Cloning of Humans (Prohibition) Bill 2001.

There are numerous ethical and moral dilemmas that would be left unsolved by the endorsing of this proposed legislation.

This legislation would ethically ban the use of 'reproductive cloning'.

Unfortunately, it does not address the issues related to stem-cell research or the so-called 'therapeutic' cloning research.

Fundamental to this proposed legislation, is the controversial feature that human embryos will NOT be considered as human, and consequently, not subject to the ban on human cloning.

Additionally, the Bill prohibits the implanting of human embryos formed by cloning. This means that human lives are intended for destructive experiments, potentially up to 8 weeks of life.

Mr Wellington, please vote AGAINST this Bill.

P. and L. K. Tyrrell of Mapleton wrote—

We are writing re The Cloning of Humans (Prohibition) Bill 2001, introduced into the Queensland Parliament.

This bill attempts to ban 'reproductive cloning' but not 'therapeutic cloning', hence human embryos will not be allowed to live as the bill prohibits the implantation of any human embryo formed by cloning.

We urge you to vote against this bill— and have it replaced by a bill that prohibits all human cloning.

I have also received a detailed letter from the Queensland Right to Life Association dated 7 March 2003, a copy of which I accordingly table for the benefit of the Premier and all members.

I note also that clause 40 of the bill provides a mechanism for a person to apply to the Commonwealth Administrative Appeals Tribunal for review of certain decisions. In other words, this bill will give the Commonwealth Administrative Appeals Tribunal jurisdiction in relation to matters within Queensland jurisdiction. Clause 40 goes on to provide that the review only applies 'if the decision is declared by the regulations made under the Commonwealth Act to be a reviewable State decision for the purposes of section 45 of that Act'. So it appears to me that what we have here is a review process established under clause 40 of this bill which is dependent upon the making of a Commonwealth regulation. I ask the Premier: how long will he wait for this prepared Commonwealth regulation to be prepared? If it does not happen, what review process does his government propose as an alternative? At this stage, I indicate that I do support the intent of both of these bills and I await the Premier's response to my questions and to other members' questions before deciding how I will vote on the individual clauses and/or proposed amendments.