



Speech by

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Hansard Thursday, 11 October 2007

RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING AMENDMENT BILL

Mr HOOLIHAN (Keppel—ALP) (3.06 pm): In rising to speak to the legislation, I must admit that I have some of the same reservations as other speakers and have been beset by the same considerations as the many speakers who preceded me and may follow in this debate. I have listened to the heartfelt speeches. They should remove any doubt that every member of this House has a deep and considered approach to our society. I would be less than honest if I did not say that I had moved between 'undecided', 'yes' and 'no' as I have undertaken my reading and listened to many expert people who have a far greater knowledge of the research than most, if not all, of us. I have listened to those people who made comments about the excesses of scientists and doctors in Germany during the 1940s. I realised that it was a lack of enforceable legislation or a responsible government body which allowed those actions to occur unhindered. On that basis, it seemed to me that we have a moral and a legal obligation to put in place legislation and be a responsible governing body which says, 'We will not accept this and will punish anybody who oversteps society's mores. In saying that, I conversely believe that we must also meet that obligation by introducing a set of guidelines by legislation which sets out where we may not step, and this legislation does that.

I was not in this House in 2003 and I recognise that many of those who were did not support the original legislation. But the legislation was passed and it seems to me—and I think the member for Burdekin mentioned it—that it was part of a COAG decision. It seems to me that this House may have cemented an agreement to support a Commonwealth-state suite of legislation on this subject. The Commonwealth amended its legislation earlier this year and it is a great sadness to me that that legislation necessitated our current considerations. An even greater sadness is that, unless we pass this legislation, the research which we are considering can still take place in Queensland by licence from the Commonwealth. That can occur under section 109 of the Constitution even if we pass this legislation and it is in conflict with Commonwealth laws. We may have an agreed legal requirement to support the Commonwealth, but I believe we have an even stronger moral and ethical obligation to put our stamp on what we as a community will or will not accept.

Along with other members of this House, I was honoured to have breakfast yesterday morning with Archbishop Bathersby. He spoke on the basis that we as parliamentarians are in a unique position and have stronger obligations than others in our community because of our need to meet the moral and ethical aspirations of our society. I have two real concerns about this bill. The first was the bioethical question of when life begins. Many people believe that life begins at conception and they hold this as a very strong belief.

In this bill I had a difficulty with the definition of 'embryo' because any physical entity brought into being by research under this legislation could never be classified as conceived, as that entity would never be allowed to be implanted in a woman. That question may remain, with the answer to be provided by those bioethicists who either support that belief or by those who are able to explain to those believers that there is possibly a different answer to that belief.

That led me to the second concern, which is that, even if we make it a criminal offence that some unscrupulous person at a future time may unlawfully implant a cloned ovum, or breach the legislation in other ways and it was not, in the case of the lawful implementation, detected until after any resultant child was born, our legislation would be deficient as it had not prevented the breach. If I allowed either concern to paralyse my consideration because there remained unanswered questions, or some future event may occur which breaches the law, I would never be able to support any legislation.

Like many people in this House, I have relatives who suffer from debilitating illnesses which may be treated, or cured, or reversed by a medical breakthrough from the type of research as will or may be undertaken as a result of this bill. My mother suffers from Alzheimer's disease/dementia. I have family members who suffer from diabetes, relatives who have died from cancer, friends who have died from other illnesses, the cure for which may come from the research that will be denied to Queenslanders by the rejection of this legislation but people may still benefit from the research because it still takes place in Australia and elsewhere. I am unable to accept that the sole answer lies with adult stem cells as a number of people of my acquaintance have died, specifically a friend of mine from cancer of the kidney and a second from motor neurone disease, even though they were treated with the current stem cell treatments which entailed the use of their own adult cells.

I have tried to be objective about this bill and to not make any decision based on my religious belief, but I finally asked myself whether I would accept for me or mine any medical breakthrough or life-saving treatment which may result from any of the research that we are currently considering in this legislation. I heard a comment by the Hon. Robert Swarten in his speech to the same effect as my question. It seems to me that, for me to have opposed the bill, I would have been hypocritical to have answered yes. If I opposed the bill, I must answer no. If I had answered no to myself, then I would have been denying my own human traits and I have to live with myself. Objectively, I asked myself the question and I answered it with a resounding yes, because it seems to be a human trait to consider accepting any treatment that will allow us to continue to live.

I was surprised to have the question asked in an editorial by the *Courier-Mail* yesterday—and I am not a great supporter of the *Courier-Mail*. I ask every member in this House to consider the question that the *Courier-Mail* asked, which was—

... Were research involving therapeutic cloning interstate or overseas to produce a medical breakthrough, would you also oppose the adoption of potentially life-saving treatment because of ethical concerns about the research that preceded it?

How many members of this House have ever asked themselves whether they had concerns about medical research which has provided life-saving benefits to humanity? Do members know of the research that provided Banting and Best with insulin or the research by Fleming and Florey that provided penicillin? I ask members whether they have ever thought about that research which provided life to diabetics and millions of people who would have died from infection. Of course they have not because of its real effect and its current acceptance. I ask all the members to be honest with themselves, whatever their beliefs and objections to the bill, but I am willing to wager that most will not answer no to the question. If you answer yes, you must realise the conflict that arises with your answer: you will accept the benefit, but only if it occurs in someone else's backyard.

I do not question the strongly held belief of many speakers, but I must also follow the dictates of my own conscience. I am at ease with my decision to support this bill and I commend it to this House.