



Speech by

**Tim Nicholls**

**MEMBER FOR CLAYFIELD**

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## **RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING AMENDMENT BILL**

**Mr NICHOLLS** (Clayfield—Lib) (2.43 pm): Let me start by commending all those who have preceded me in this debate for their contributions to the debate on this contentious legislation. I want to particularly acknowledge the well-researched and considered presentation of the shadow minister for health, the honourable member for Surfers Paradise.

I think in many respects this debate has exemplified the highest ideals of parliament and parliamentary debate. I also want to place on the record my respect for other members of this House whose views are different from my own but who no less passionately hold those views. I commend them for their honesty and forthrightness yesterday and today. I hope nothing I say will cause them to feel that there is any disrespect to them or their views. I do not seek to persuade other members but to make clear the reasons for my own decision.

Can I also recognise all those who have contacted me—as I am sure they have contacted other members—to express their opinion on the bill. I thank them for taking the time to do so. Some will support my decision and others will inevitably be disappointed. I also acknowledge the various experts and advocates who have provided their time and expertise to try and assist our decision in this place. In the course of consideration of this legislation I have attended many briefings and listened to many points of view. I have tried to understand the science in a limited way and I have weighed the pros and cons very carefully.

The Queensland Research Involving Human Embryos and Prohibition of Human Cloning Amendment Bill 2007 mirrors the Commonwealth legislation passed on 8 December 2006. Importantly this bill maintains the complete ban on reproductive cloning. There has been no change to that position since 2003. The major significant effect of the bill is to allow what is described as somatic cell nuclear transfer to create embryos to allow the production of embryonic stem cells for research purposes. This had previously been prohibited.

We have all heard many stories about the benefits or otherwise of both adult and embryonic stem cell research. I think that the benefits of adult stem cell research are widely acknowledged and accepted. I certainly accept them. Embryonic stem cell research is accepted as it has been legal and widely accepted though not widely undertaken in Australia since 2002 using donated surplus human IVF embryos. The records indicate that only nine licences for such research have been issued since this research was commenced.

Embryos are already being destroyed for research on embryonic stem cells, the difference being that those embryos are created for the purpose of assisted reproductive technology. That is the effect of the current legislation. But we are here to consider whether we are prepared to go further and permit embryos to be created not by the fertilisation of an egg by sperm but by SCNT, somatic cell nuclear transfer, to allow embryonic stem cells to be produced for research. This raises moral and ethical issues that rarely challenge any of us in our everyday lives.

The very concept of the beginning of life is brought into stark focus. Ultimately, despite all of the definitions, research, recommendations and submissions, we, the 89 members of this place, have to search our consciences to come up with the answer to that question. In doing so, we have to ask the question: why conduct research on embryonic stem cells? Indeed, adult stem cell research has been far more successful to date. However, in my view, embryonic and adult stem cell research is complementary, not competitive.

It is argued that embryonic stem cells are pluripotent—that is, embryonic stem cells can create any cell in the body, a quality not possessed by adult stem cells. The potential—and I do acknowledge it is potential only—of embryonic stem cells is to treat any condition in which a patient's cells are damaged or diseased. Potential treatment of type 1 diabetes, Alzheimer's, Parkinson's disease and spinal injury may follow research on embryonic stem cells. Many scientists see embryonic research as having greater potential to combat complex neurodegenerative diseases because of the pluripotency of the embryonic stem cells.

The Lockhart review sought to differentiate between reproductive cloning and therapeutic cloning. It sought to differentiate on the basis of intent. The Lockhart review itself stated that the entity created by SCNT is indistinguishable from other types of human embryos. Lockhart argued however that, because the embryo was not created with the intent to implant, such a position is not dissimilar to the production and destruction of excess ART embryos which, as I have indicated earlier, is permitted. On that basis, Lockhart argues it is not a major additional step to permit somatic cell nuclear transfer. I am not sure about this differentiation and I am apprehensive about it. It seems to me to be something of sophistry in order to create an argument. I think we ought to fairly and squarely face up to what is being asked of us here today, and that is to create embryos.

Fundamentally the argument seems to revolve around when we and not scientists consider a human life to begin. In that debate I have read the arguments and listened to the debate of other members over the past two days. It is important to my decision about this bill to recognise that the bill continues the prohibition on human reproductive cloning. Division 1 of part 2 sets out those practices completely prohibited. Section 7 in division 1 prohibits a person from intentionally placing a human embryo clone in the body of a human or in the body of an animal. This effectively bans human cloning for reproductive purposes. Similar prohibitions are contained in sections 8 through to 17.

I want to explicitly note that section 17 prohibits the commercial trading of human eggs, sperm and embryos. This is essential to the legislation proceeding. It addresses to my mind the very real problems identified in what is described as 'egg harvesting' for commercial return or reward. It is also important to note that ultimately the decision to participate in the supply of eggs is a voluntary decision for the female donor. Nothing in this legislation changes that fundamental position that the individual can make her own choice to donate or not. The member for Surfers Paradise outlined the procedure under which a licence for such research can be issued and the safeguards involved. He also outlined the very small number of licences issued nationally since Australia embarked on stem cell research. I feel confident in the capacity of our people and our scientific community to follow the rules set out in this legislation.

In companion with a strong religious belief, I also believe in the inexorable advance of the human condition through the expansion of knowledge and science, the debate on rational terms of moral and ethical challenges and ultimately—and perhaps optimistically—the great desire of the great majority to do the best they can for mankind. These are not competing positions. Sir Isaac Newton did not view his discoveries as the end of a belief in God; quite the opposite. He thought the symmetry and beauty of the universe a sure sign of the existence of God. Who else could have ordered things so well? I am a great believer in science and the miracles that it can deliver to the great benefit of humanity, not just in Queensland but throughout the world. Some of the greatest advances in science and subsequently the human condition have come about through pushing the then current barriers of knowledge and understanding. Galileo, Copernicus, Newton and others all worked under difficult circumstances or restriction and approbation at some time. Watson and Crick only discovered DNA half a century ago. Smallpox has been eradicated. IVF in the eighties and organ transplants as well as myriad other advances have been made, often through controversial research.

The point I make is this: neither I nor anyone else can predict the future. Just this morning I read in the *Courier-Mail* of exciting progress in the treatment of multiple sclerosis following research in the United States. I cannot say what that research was and I only use the story to demonstrate how science moves forward and how unpredictable it can be. My decision on this bill has only come after much soul searching, discussion and consideration as well as, as I said earlier, consideration of the debate of all colleagues in the House. While somewhat apprehensive about my own understanding of some of the science and some of the processes allowed by this bill, I am not prepared to remove the chance of future discovery and advancement when science has promised and delivered so much in the past and continues to do so. It may well be that we will be asked in the future to consider other changes in this rapidly developing area, and I do not deny that possibility. But that is what we are here for—not just to argue the political issues of the day but to consider the issues of our times.

We do not always choose those times. Sometimes they choose us, and this is one of those issues and one of those times. It may well be an issue in future times. That is the nature of science. It does advance. I believe our role is to ensure that it advances according to the expectations of our communities and the understandings of our times. We should not avoid those decisions. We should not avoid those debates. We should accept that responsibility. After much deliberation, I will be supporting this bill for the promise it offers the future, the hope it may bring and the prospect of a better life for many.