



SUBMISSION

Review of the Tasmanian *Human Embryonic Research Regulation Act 2003* and the *Human Cloning and Other Prohibited Practices Act 2003*

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Executive Summary

The Australian Christian Lobby (ACL) desires to see scientific advances that cure diseases and prevent and minimise pain. However, this should not be a goal that is pursued at all costs and without careful consideration of ethical concerns. In some States of Australia, it seems this debate is being driven by motives such as potential economic benefits and a desire to be the first to break new ground, sometimes without the necessary cautious reflection.

In summary, the ACL believes the two relevant Tasmanian Acts should remain unchanged, and the current restrictions and prohibitions under these Acts upheld. Our position can be categorised as follows:

1. Both of the relevant Tasmanian Acts should remain unchanged;
2. The current ban on all forms of 'Therapeutic Cloning' should remain;
3. Adult stem cell research should continue to be pursued and funded.

These points and the questions asked in the issues paper are explored in more detail below.

Both the relevant Tasmanian Acts should remain unchanged

The ACL believes the current Tasmanian Acts, namely the *Human Embryonic Research Regulation Act 2003* and the *Human Cloning and Other Prohibited Practices Act 2003*, currently achieve their intended purpose when passed in 2003. Both of these Acts should remain unchanged.

In 2002 there was a unanimous agreement between States, Territories, and the Commonwealth Government's to ban all forms of human cloning, and only allow research under strict regulatory guidelines on embryos in excess from ART treatment and programs. The following question has to be asked. What has changed in terms of technology, research and community standards and attitudes since the decision in 2002? The answer appears to be very little. Following from this, it must be asked who or what is driving this push for change?

The following points highlight the reasons for this position.

The current ban on all 'therapeutic cloning' should remain

As you would be aware, in 2005 the United Nations voted to ban all forms of human cloning. The UN Declaration on Human Cloning calls on "members to adopt all measures necessary to prohibit all forms of human cloning in as much as they are incompatible with human dignity and the protection of human life." Australia is in favour of this declaration, and therefore the *Human Cloning and Other Prohibited Practices Act 2003* should remain unchanged to prohibit human cloning and several other practices considered unacceptable, as recommended by the Lockhart Committee.

Also in line with the UN Declaration, the *Human Embryonic Research Regulation Act 2003* should likewise remain unchanged and continue to prohibit the creation of human embryos (by any means) for the purposes of research and experimentation.

The words and language used in this debate are very important, and it is therefore important not to allow ambiguous terms to define this debate. All cloning, no matter its form or its intended use, is still cloning. Therapeutic cloning, which is an anomaly in itself given that its purpose is for destruction, is still cloning.

From a community perspective, it is important that accessible language is used to allow all persons the opportunity to understand and contribute toward legislation and policy relating to ethical issues surrounding cloning, stem cells and embryos. In this regard, efforts to obfuscate the issues at hand by referring to cloning of human embryos as “somatic cell nuclear transfer” must be resisted. The current definitions of “human embryo” and “human embryo cloning” used in the legislation are clear and unambiguous.

Furthermore, scientific and legislative terminology should not obscure the ethical complexities. For instance, therapeutic or non-reproductive cloning still involves creating a human clone and then destroying the embryo. This embryo is still potentially a viable human being. These scientific facts should not be diminished by using misleading terms that lead the public to believe that therapeutic or non-reproductive cloning is non-destructive.

ACL acknowledges that the use of excess ART embryos is a difficult scientific, moral and ethical issue. However, the Embryonic Research Acts at both a State and Federal level only passed through parliament originally because it expressly limited use of excess embryos to those created before 5 April 2002.⁶ It is ACL’s desire to see the intent of the original legislation upheld.

Adult stem cell research should continue to be pursued and funded

Furthermore, given recent developments, a strong case could be mounted that even the clauses permitting use of excess ART embryos should be repealed. To begin with, it is clear that the majority of scientific breakthroughs are coming from adult stem cell research. Researchers have been able to derive highly adaptable stem cells from the foreskin of babies¹ ordinary skin cells², umbilical cord blood,³ placenta⁴ and the nose⁵. One corporation in the USA is planning to market treatments for leukaemia patients undergoing bone marrow transplants, for knee damage and for failing hearts, all derived from adult stem cells⁶.

Part of the reason for this is that researchers are finding that the plasticity of adult stem cells has been greatly under-estimated. Recent research suggests that adult stem cells have the same ability to multiply as embryonic stem cells⁷, which is unfortunately not communicated in the Issues Paper.

¹ Celia Milne, ‘Researchers use baby foreskin; hope work will lead to autologous treatment options’, *Medical Post*, 41:26, 19 July 2005

² Rick Weiss, ‘Skin cells converted to stem cells: scientists’ work could clear moral hurdle to embryonic research’, *Washington Post*, 22 August 2005

³ Andy Coghlan, ‘Cord blood yields ‘ethical’ embryonic stem cells’, *New Scientist*, 18 August 2005

⁴ International stem cell meeting reports pluripotent stem cells isolated from placenta’, Celgene Corporation Media Release, 13 April 2005

⁵ Wayne Smith, ‘Sweet cell of success’, *The Australian*, 22 March 2005

⁶ Diedra Henderson, ‘The other stem cells’, *The Boston Globe*, 20 June 2005

⁷ ‘Breakthrough study at Children’s Hospital of Pittsburgh finds adult stem cells show same ability to self-renew as embryonic’, Children’s Hospital of Pittsburgh Media Release, 23 June 2005

Clearly these findings must be seriously considered as the way of the future, meaning the ethical dilemmas and societal concerns are overcome. We are clearly talking about human life, whether it's in the earliest stages of development (embryo) or has grown into subsequent stages (fetus, newborn etc). You have to have a human being before you can get human stem cells, and the destruction of a human life is never justification for scientific research.

Given that overwhelming numbers of scientific breakthroughs are coming from adult stem cells, it could be argued that it seems pointless for the research on excess embryos to continue. This is especially true considering that there are large hurdles that need to be overcome before embryonic stem cell therapy will actually benefit patients⁸. For instance, researchers have only recently noted that embryonic "stem cells cultured for long periods in the lab develop genetic changes in areas known to be involved in human cancers⁹."

The cost of embryonic stem cells is also a significant factor. Professor Alan Trounson, a prominent supporter of embryonic stem cells, has stated publicly that the sort of embryonic stem cell treatment pioneered by South Korean researchers is prohibitively expensive¹⁰. The ethical, scientific and economic costs of embryonic stem cells have made it extremely difficult for stem cell companies to be commercially viable¹¹. Therefore, there is no reason for the government to subsidise or legislate in favour of an industry which appears to have no future.

Is the current debate one of hope or hype? It seems clearly evident that there is not sufficient knowledge in this arena to warrant any change to the current laws.

Conclusion

In conclusion, there are many concerns about changing the existing laws. At this stage it is not known whether there will be significant gains to be made from embryonic stem cells, but the evidence already stacks heavily in favour of breakthroughs from stem cells harvested from adults.

Adult stem cell research should continue to be supported, pursued and funded by the Tasmanian Government. All the Lockhart Review recommendations regarding further liberalization of the current laws concerning embryonic stem cell research such as therapeutic cloning, creation of embryos by any means for the purposes of research and experimentation etc, should be opposed.

Professor Frank Brennan in his 2006 Thomas More Lecture summaries it well when he concludes, "*..the committee has not adduced any evidence of a change in community standards since 2002 and there is no evidence adduced by the Committee of 'developments in medical research and scientific research and the potential therapeutic applications of such research'*"¹².

8 Peter Braude, Stephen L. Minger and Ruth M. Warwick, 'Stem cell therapy: hope or hype?' *British Medical Journal*, 21 May 2005, pp.1159-1160

9 Gaia Vince, 'Human stem cells become unstable in the lab', *New Scientist*, 5 September 2005

10 Tom Noble, 'Let us create diseased stem cells-researcher', *Sunday Age*, 5 June 2005

11 Lutz B. Giebel, 'Stem cells-a hard sell to investors', *Nature Biotechnology*, 23:7, July 2005

¹² Professor Frank Brennan, "Public Ethics in Bioethics: A response to the Lockhart Review," 2006 Sir Thomas Moore lecture, 22nd June 2006, Canberra

The Australian Christian Lobby

The Australian Christian Lobby (ACL) is a non-party partisan, non-denominational political lobby group that represents the views of hundreds of churches and thousands of supporters Australia wide. The Christian constituency reflects a sizeable percentage of the broader community. 68% of the Australian population declared themselves Christian in the 2001 ABS Census and about 2 million Australians attend a church regularly. As such, while ACL does not claim to speak for all these people, its policy suggestions may resonate with large numbers of them.