



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PRIVATE MEMBERS' BUSINESS**

**Research Involving Embryos and  
Prohibition of Human Cloning Legislation**

**SPEECH**

**Thursday, 29 August 2002**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Thursday, 29 August 2002  
**Page** 6139  
**Questioner**  
**Speaker** Andrews, Kevin, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr ANDREWS** (Menzies—Minister for Ageing) (11.54 am)—In the spirit of the comments made by the member for Watson in relation to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, I make a plea to members and colleagues on both sides of the House to treat this in the way in which the great majority of this debate has been conducted—that is, with a degree of generosity, acknowledging the differences that do exist on what is obviously a contentious matter and accepting that those differences do occur on both sides of this chamber. This is not a matter of party politicking by people on either side. If we can move forward in that spirit, I believe it will do a great service to the House of Representatives and the Commonwealth parliament.

There were some questions asked of me, so I will attempt to provide the House with information. I will put it in the context that this bill arises out of the agreement that COAG reached in April, and there was a communiqué and an attachment flowing forth from that meeting. In that communiqué and attachment, there was reference to nationally consistent legislation. There was no specific reference to a bill, a number of bills or any particular form in which this might be done. There were five broad headings. I am happy to table the attachment for the advantage of members, if they bear with me. The five areas are: firstly, a nationally consistent ban on the cloning of a human being; secondly, nationally consistent regulation on certain unacceptable practices; thirdly, a nationally consistent approach to research involving human embryos; fourthly, a nationally consistent approach to the development and/or use of embryos for the derivation of stem cells; and, fifthly, a nationally consistent approach to ART—artificial reproductive technology. As I said, there is no indication as to whether there should be one bill or a series of bills. It simply talks about nationally consistent legislation and, in effect, it was left to the committee of officials from states and territories in drafting this to bring forward the legislation.

**The SPEAKER**—Before the Minister for Ageing continues, did I understand that he was seeking to table a document?

**Mr ANDREWS**—Yes, I am happy to table that.

**The SPEAKER**—I understand that, while as a minister you have that facility, there is a question before the chair, so it would be appropriate in this instance to seek leave to have the document tabled.

**Mr ANDREWS**—I seek leave to have it tabled.

**The SPEAKER**—Leave is granted.

**Mr ANDREWS**—When the question of splitting the bill arose, advice was sought from the National Health and Medical Research Council, which is the Commonwealth government agency which has been responsible for this matter. In that advice, two matters were raised. One was the question of the review of prohibited practices, and the second was the question of the monitoring of the legislation. The question of review of prohibited practices is encompassed in the member for Dunkley's proposed split bills. If honourable members wish to see this and go to the foreshadowed Prohibition of Human Cloning Bill 2002, they will see that part 6, division 2, clause 61 in the former bill encompasses the review of processes and, equally, they are still contained in the part dealing with stem cell research. In relation to the question of the review, both of the proposed bills have the provisions in relation to the review.

**Mr Stephen Smith**—They are identical.

**Mr ANDREWS**—I understand they are in identical terms. I will look at that. I now go to the second issue, and that is the issue of monitoring. Advice was sought in relation to this from the Office of Parliamentary Counsel. That advice states:

The effect of clause 55A would be that existing part 4 would apply in exactly the same way to the Prohibition of Human Cloning Act 2002 as it does to the Research Involving Embryos Bill 2002. This means that inspectors could exercise powers under both bills in relation to licensed premises.

The clear intention there and the understanding from that advice from the Office of Parliamentary Counsel is that the monitoring provisions would relate to both bills. The only conceivable circumstance, as I understand it, in which that could not be the case would be if the parliament passed the foreshadowed first bill, the Prohibition of Human Cloning Bill 2002, but failed to pass the Research Involving Embryos Bill 2002, because it is in the Research Involving Embryos Bill 2002 that the monitoring provisions are contained. As a number of members have pointed out this morning during debates, that is an unlikely occurrence given the ability of members of this place to count the numbers. But I foreshadow that, if that remains a concern, I am quite happy to move an amendment to make sure that the monitoring provisions are in the first bill so that that situation does not arise. I hope that clarifies the situation in terms of the advice that has been received.