

B.bl/4158

17 September 1999

The Secretary  
House of Representatives Standing Committee on Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Sir or Madam

**Re: AMA submission into the *Inquiry into Scientific, Ethical, and Regulatory Aspects of Human Cloning***

The Australian Medical Association (AMA) is responding to the *Inquiry into Scientific, Ethical and Regulatory Aspects of Human Cloning*. As requested by the House of Representatives Standing Committee on Legal and Constitutional Affairs, the AMA will provide comment on the report of the National Health and Medical Research Council's (NHMRC) Australian Health Ethics Committee (AHEC) entitled *Scientific, Ethical and Regulatory Considerations Relevant to Cloning of Human Beings (1998)*.

The AMA notes, however, that the Terms of Reference for this inquiry are very vague and thus it is difficult to determine which aspects of the AHEC report are of particular interest or concern to the House of Representatives Standing Committee on Legal and Constitutional Affairs. As such, we are providing our overall impression of the report, but will restrict our specific comments to Chapter 3 – Ethical Issues.

**Overall impression**

Overall, the report presents the issue of cloning in a clear and comprehensive manner. The report provides an exceptional overview of the technical applicability, feasibility, and limitations of cloning in mammals, including humans. It thoroughly outlines the potential benefits and risks of cloning applications for humans by addressing the current scientific, ethical, moral, and legal considerations associated with cloning technology.

Most importantly, the report is objective. It addresses the scientific, ethical, moral, and legal issues associated with cloning in a straight-forward, impartial manner.

**Chapter 3 – Ethical issues**

Chapter 3 comprehensively addresses the major ethical issues associated with cloning techniques applied to humans. It clearly distinguishes between cloning of human 'wholes' and cloning of human component parts while presenting the reasons why individuals would want to clone human 'wholes' and component parts.

The chapter primarily addresses reproductive cloning of human beings (human 'wholes') from the standpoint of the child (the cloned human being), the family (especially the parents),

and the broader community. This structure helps clarify the ethical and moral considerations associated with cloning at the individual, familial, and societal levels without attempting to dismiss the considerations or infer an 'easy solution' to the considerations.

Commendably, the chapter even addresses the ethical consequences associated with the development of cloning policies. This is particularly important as the potential for cloning human 'wholes' and component parts increasingly approaches reality in light of scientific innovation. Federal, State, and Territory Governments need to consider seriously the benefits and risks of all cloning applications for humans (eg. human wholes and component parts) when developing and/or revising a cloning policy.

### **The AMA's stance on cloning**

The AMA supports ethical health and medical research and recognises the potential benefit that research into the human genome can provide into the prevention, management, and treatment of disease (AMA 1996; AMA1998). The AMA advocates recurrent substantial funding for on-going research into the human genome within Australia.

The enclosed AMA *Position Statement on Genetic Issues – 1998* states the following in relation to cloning:

#### 6. Cloning

6.1. *The cloning of human beings should be prohibited.*

6.2. *With approval by an institutional ethics committee, human genetic tissue can be used for processes involving cloning techniques.*

The AMA's broad stance on cloning is consistent with major national (Australian Academy of Science 1999) and international scientific organisations (Council of Europe 1998; HUGO 1999; UNESCO 1997; WMA 1997).

The AMA supports the general principles of the AHEC's Recommendations and Resolutions as found in Chapter 6 of the *Scientific, Ethical and Regulatory Considerations Relevant to Cloning of Human Beings (1998)*. The AMA believes, however, that the House of Representatives Standing Committee on Legal and Constitutional Affairs should consider whether legislation, or alternatively regulation, is the most appropriate legal mechanism for dealing with human cloning. Further, the AMA believes that whatever regulatory framework is recommended, it should be uniform across all States and Territories.

The AMA was nominated to be part of the World Medical Association's (WMA) Working Group on Cloning and will help prepare the WMA's *Declaration on Cloning and Human Dignity*. At the WMA's 50th Assembly held in October 1998, it was decided to conduct an international investigation into human cloning for the purpose of preparing comprehensive guidelines for physicians. At the 50<sup>th</sup> Assembly, the 1997 Resolution requesting medical researchers to abstain from participating in the cloning of human beings until the scientific, ethical and legal issues have been fully considered was reaffirmed. The Working Group has not yet commenced its deliberations.

### **Conclusion**

To summarise, the AHEC's *Scientific, Ethical and Regulatory Considerations Relevant to Cloning of Human Beings* provides a sound objective outline of the current feasibility of human cloning and the scientific, ethical, moral, and legal issues associated with it.

The AMA advises the House of Representatives Standing Committee on Legal and Constitutional Affairs to recommend the following to the Minister for Health and Aged Care:

- that all States and Territories should have clear, uniform legislation or regulation in relation to cloning;
- that the AHEC periodically review and revise the *Scientific, Ethical and Regulatory Considerations Relevant to Cloning of Human Beings* in light of new innovations in cloning technology and changes to national and international policy relevant to cloning;
- that periodic review of all legal regulatory mechanisms form part of the recommendations to States and Territories.

If you would like to discuss the AMA's submission, please feel free to ring me on (03) 9510 6833. Alternatively, you may wish to contact Dr Kate Stockhausen of the AMA Federal Secretariat on (02) 6270 5448.

Yours sincerely

Dr Sandra Hacker  
Vice President, AMA  
Chair, Ethics and Public Health Committee

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enclosures

cc: Dr J Thomson  
Dr K Stockhausen

## REFERENCES

- Australian Academy of Science (1999). *On Human Cloning. A Position Statement.*
- Australian Medical Association (1996). *Position Statement on Health and Medical Research.*
- Australian Medical Association (1998). *Position Statement on Genetic Issues – 1998.*
- Council of Europe (1998). *Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings.*
- Human Genome Organisation (HUGO) (1999). *Statement on Cloning.*
- United Nations Economic, Scientific, and Cultural Organisation (UNESCO) (1997). *Universal Declaration on the Human Genome and Human Rights.*
- World Medical Association (WMA) (1997). *World Medical Association Resolution on Cloning.*