

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

## **HUMAN REPRODUCTIVE TECHNOLOGY AMENDMENT BILL 2003**

### *Consideration in Detail*

Resumed from an earlier stage of the sitting.

#### **Clause 36: Part 4B inserted -**

Debate was adjourned after Mr P.G. Pendal had moved an amendment.

Mr P.G. PENDAL: If I recall correctly, the point had been reached at which members were content to vote on this amendment. I want to remind members that we are not talking about the core of the Bill. However, we are talking about the role of the Parliament vis-a-vis the Council of Australian Governments. I outlined in some detail the way in which Parliament too easily gives away its prerogative to legislate as a result of intergovernmental agreements and uniform legislation. To that extent, it is not a states' rights argument; it is very much a pro-Parliament argument. If we find in the years ahead a need, as a community, to free up further frozen embryos, the Parliament's approval must be asked for that to happen. We must not rely on the Council of Australian Governments, over which we have no control or jurisdiction. We must come back to this Parliament; that is the first thing. That does not in any way interfere with what the Government seeks to do but it keeps the Parliament in the equation.

Secondly, I want to emphasise something emphasised earlier by the member for Kingsley. In the briefings we were given by Professor Harvey, who is a proponent of this Bill, he made it clear that he was also a proponent of the amendment before the Chamber. He had his own concerns about so-called excess embryos. He also made it clear to us that, as a scientist - most members are not in that category - he believed there were enough frozen human embryos in Australia to last ad infinitum. He said that the renewal process of cells was such that scientists could continue using the same pool, over which we drew the line in 2002, forever. Therefore, it is very unlikely that there would be any need whatsoever to come back and ask for embryos that were created after 5 April 2002. I finish by saying that if, however, Professor Harvey is wrong - he is a supporter of the Government's Bill - there can be no argument along democratic lines that we should not bring this issue back to Parliament. No issue that Parliament deals with is more fundamental than capital punishment, pro-life legislation or issues that relate to existence itself. If that is the case, surely it is not asking too much for such issues to come back to Parliament and, in that way, every so often members of Parliament will have a chance to learn and cast a vote, as is happening on this occasion. Let us not cut Parliament out of the equation as though it is supernumerary in the process. It is not. Parliament is central to the process and if members support this amendment, they will ensure that it remains central. I commend the amendment to the House.

Mr B.K. MASTERS: I have great respect for the members for South Perth and Kingsley. However, as is common and desirable in this place, I hold a strong view about the amendment currently before the House, which is different from their view. I do not wish to repeat the comments I made during the second reading debate, but I will briefly summarise them because there has been a gap of several weeks since I last spoke on this issue.

A fertilised egg is undoubtedly a human life and, as such, it is deserving of respect. However, to move from that position of respect to a position that states that a 14-day-old embryo is of such extreme and high value that it cannot be used for medical research is untenable. I understand that a 14-day-old embryo is still extremely small - it may be the size of a pinhead or a little bit larger - and consists of 100 or so individual cells. It lacks a spinal cord, a brain and, therefore, any ability to feel or register pain. It lacks any physical features, such as arms and legs, to visually suggest that it is a human being. The only genuine human characteristic held by a 14-day-old embryo is its DNA, as contained within its chromosomes. If the comments I have made are accepted, I have to repeat the comment I made three weeks ago that human beings discharge live cells from their bodies - cells with their full chromosomal and DNA content - every minute of every day of their lives. Every time we sneeze, scratch ourselves or cough we expel from our bodies live human cells that have a full complement of DNA and chromosomes. If members opposed to the research and testing of embryos are consistent in their arguments, I have to ask: where is their concern over the potential human lives that are lost from their own human bodies in their thousands or millions every day? Clearly, I have asked an unfair question and I think such a concern is unreasonable. Therefore, let us return to the amendment under consideration.

Effectively, the amendment seeks to prevent embryos created after 5 April 2002 being available for research use. That is my understanding of the member for South Perth's amendment; he can correct me if I am wrong. My view is that any date restriction is unnecessary. If members accept that embryo research is acceptable, why do they want to impose an artificial constraint on that research?

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Mr P.G. Pendal: We do not; the first part of your premise is wrong.

Mr B.K. MASTERS: Which part?

Mr P.G. Pendal: The part about it being acceptable.

Mr B.K. MASTERS: I will move on to that in a second. I said that if members accept that embryo research is acceptable, why do they want to possibly impose an artificial constraint on that research. It makes no sense. If it is held that embryo research is acceptable, why is there a need to impose an artificial restraint on that research? It makes no sense. If a person does not agree that embryo research is acceptable, that person would want to impose as many restrictions and restraints, regardless of their need or validity, on a procedure with which he or she disagrees. I support embryonic research. As a scientist I see incredibly positive benefits accruing from research on embryos, including the use of embryonic stem cells. Because this research involves the death of an embryo - a human life - we must clearly impose reasonable and sensible restrictions in order to show respect for that human life. We should also resist the imposition of unnecessary conditions on licences issued under this Bill. Any date restriction at all, as proposed by this amendment, is unnecessary, and therefore I will vote against it. Furthermore, I have amendments on the Notice Paper seeking to remove all references in the Bill to time-based restrictions, specifically 5 April 2002.

Mr M.P. WHITELY: This is a key amendment. The moratorium on the use of embryos created after 5 April 2002 is the only real protection we have from the creation of embryos for the purpose of research. Before we remove that restriction we need to come back to this Parliament and consider this issue in the light of the experience that will be available to us in a couple of years with the benefit of hindsight. During the break, I had discussions with some people from the public gallery, who highlighted to me a concern they had about possible restrictions this amendment could place upon the potential for research on IVF. It is not beyond the wit of this Parliament to draft further amendments to accommodate their concerns. However, that is a different issue; it is a part of this picture, but it does not go near to filling the whole picture. Although the Bill makes it a criminal offence to create embryos for the purpose of research, no Government and no police force will want to enforce those criminal sanctions. It will be one of those laws that lies on the statute books and is effectively ignored. We will turn our back on it and hope that it does not exist. It is therefore bad law if there is no intention of enforcing it. It has been structured into the Bill in such way as to placate some of the fears about the creation of embryos purely for research purposes, but it does not actually address those fears in practice. The existence of the 5 April 2002 moratorium is the only effective protection. Before removing that protection, we should come back into this Parliament and make a decision to do so with the benefit of hindsight. We will not then have to postulate about possible benefits of embryonic stem cell research; we will know much more about it. Let us do that when we have had an opportunity to properly evaluate the merits of the argument. Let us not give away that opportunity now.

Amendment put and a division taken with the following result -

Ayes (17)

Mr P.W. Andrews	Mr J.B. D'Orazio	Mr P.D. Omodei	Dr J.M. Woollard
Mr D.F. Barron-Sullivan	Mrs C.L. Edwardes	Mr P.G. Pendal	Mr J.L. Bradshaw ( <i>Teller</i> )
Mr M.F. Board	Ms K. Hodson-Thomas	Mr J.R. Quigley	
Mr J.J.M. Bowler	Mr R.F. Johnson	Ms M.M. Quirk	
Mr A.J. Dean	Ms A.J. MacTiernan	Mr M.P. Whitely	

Noes (24)

Mr C.J. Barnett	Mr S.R. Hill	Mr M. McGowan	Mr A.P. O'Gorman
Mr M.J. Birney	Mr M.G. House	Ms S.M. McHale	Ms J.A. Radisich
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr E.S. Ripper
Mr J.H.D. Day	Mr R.C. Kucera	Mrs C.A. Martin	Mr D.A. Templeman
Dr J.M. Edwards	Mr F.M. Logan	Mr B.K. Masters	Mr P.B. Watson
Mrs D.J. Guise	Mr J.A. McGinty	Mr M.P. Murray	Mr J.P.D. Edwards ( <i>Teller</i> )

**Amendment thus negatived.**

Mr P.G. PENDAL: I outline my understanding, and correct me if I am wrong. The previous amendment was lost and, as everything else in my name is consequential, I do not intend to move any further amendments. However, members were led to believe by the Minister for Health that in the event that my amendment failed, he would move an amendment. I seek some guidance from him in that regard.

Mr Phillip Pandal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Mr J.A. McGINTY: I inform the member for South Perth that the last amendment in my name at the bottom of page 3 of version A of the amendments will achieve what we have spoken about, and it is my intention to move that amendment.

Mr P.G. Pandal: At what point?

Mr J.A. McGINTY: As we progress through these amendments.

Mr P.G. Pandal: Is that the proposed amendment that you have circulated?

Mr J.A. McGINTY: Yes.

Mr J.B. D'Orazio: Can you explain to me how moving your amendment at that point will alter the words in clause 36 as they currently exist? If we go past clause 36, moving your amendment at a later stage will not amend the words in clause 36. How does your intention to make 2005 exist affect that clause?

Mr J.A. McGINTY: We are still on clause 36.

Mr B.K. MASTERS: I understand that the next two amendments in the name of the member for South Perth will not be moved, in which case I believe the amendment standing in my name to delete lines 10 to 16 on page 34 is the next amendment to be dealt with.

The ACTING SPEAKER (Mr A.D. McRae): The amendments in the name of the member for South Perth have not yet been moved, so they are not before the Chair.

Mr B.K. MASTERS: I move -

Page 44, lines 10 to 16 - To delete the lines.

I have a number of amendments that seek to remove from the Bill any reference to any date restrictions on the use of embryos that are created after a certain date. I believe I have already adequately explained my beliefs on this matter; namely, once we accept the principle that it is either acceptable or inevitable that research will be carried out on embryos or that embryonic stem cells will be used for research, any date restriction is unnecessary, unjustified and an artificial constraint on medical and other research. I commend this amendment to the House. I may be the only person voting for it, in which case it will be difficult for me to call a division; nonetheless, I have moved the amendment.

Mr J.A. McGINTY: Although this is a free vote, the member for Vasse has most probably accurately predicted the fate of the amendment he has moved.

**Amendment put and negatived.**

The ACTING SPEAKER: I seek some guidance from the member for South Perth. Are his next amendments also consequential on his earlier amendment?

Mr P.G. PENDAL: Yes. My understanding is that my amendment to page 36 touched on the matter that is dealt with in my amendments to lines 10 to 12, line 14 and after line 23 on page 44, and the deletions at pages 46, 47 and 58 are the same. Therefore, I will not be moving any of those amendments.

Mrs C.L. EDWARDES: I seek the leave of the House to move together both amendments standing in my name.

Mr J.A. McGinty: You will not change your mind when we get to vote on them again, will you?

Mrs C.L. EDWARDES: I might if someone is persuasive, but I do not think so.

Leave granted.

Mrs C.L. EDWARDES: I move -

Page 44, after line 23 - To insert the following -

- (d) that there is no possibility that an excess ART embryo proposed in the application could be used for technical or commercial purposes in the testing, creation or manufacture of cosmetic products.

Page 45, after line 16 - To insert the following -

- (5) The NHMRC Licensing Committee must not issue a licence if the use of an excess ART embryo proposed in the application is, or could be, for technical or commercial purposes in the testing, creation or manufacture of cosmetic products.

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

These amendments are very clear. Essentially proposed paragraph (d) and proposed subsection (5) provide that no excess ART embryo proposed in the application can be used for technical or commercial purposes in the testing, creation or manufacture of cosmetic products; that is, no excess ART embryo or its stem cells will be able to be utilised in the production, creation or testing of cosmetic products. There is already a consumer backlash against testing animals, particularly for cosmetic products. Some major cosmetic products advertise that no testing on animals has been carried out in their manufacture. If there is already a concern about testing animals for cosmetic products, equally there should be a concern about testing excess assisted reproductive technology embryos for the manufacture of cosmetic products. That is the reason for my amendments. There was concern in the federal Parliament about testing animals for pharmaceutical drugs, which, of course, is permitted. When we started this debate, we all thought that the testing of excess ART embryos would be purely for therapeutic purposes, but it is not. The Bill allows testing for pharmaceutical products. We should thank Senator Harradine who was very successful in persuading the federal Government to amend the Therapeutic Goods Regulations to provide for consumer information on pharmaceutical products tested or manufactured using human embryos. There is therefore consumer concern about this matter. Any one of us in future will be able to determine whether a drug bought at a chemist has been tested on human embryos. Those of us who do not believe in research using embryonic stem cells will be able to choose whether to use pharmaceutical products that have been tested on them. I cannot believe that members of this House could oppose the amendments. When there is already a backlash in the community against testing on animals for pharmaceutical drugs and cosmetic products, why should we allow the similar use of excess ART embryos? It is very costly for pharmaceutical companies to use live animals for testing purposes, but given the first available opportunity, they would use excess ART embryos and stem cells that have been created from them for such testing. The amendments I have proposed are very simple: no excess ART embryos will be used in the testing, creation or manufacture of cosmetic products. I commend the amendments to the House.

Mr B.K. MASTERS: One of the strengths of the consideration in detail stage of debate on legislation is that it teases out the views, concepts and other aspects of the way in which legislation will be implemented when it comes into force. I ask the member for Kingsley to take a minute or two to explain what she means by the term “cosmetic products”? If she means face creams and other materials that are designed to enhance one’s looks, I will support and vote in favour of the amendments. If, however, she wishes to expand the understanding of the words “cosmetic products” to mean drugs that, for example, might cure eczema or other medical conditions that, in many respects, would be considered to be cosmetic improvements but have a medical background, I would think twice about whether to offer my support for the amendments. I seek some further explanation from the member for Kingsley on that topic.

Mr J.H.D. DAY: I agree with the member for Kingsley and other members that there should be a prohibition on the use of this type of technology to improve cosmetics and for similar purposes. If that were the only outcome of the amendments, I would be happy to support them. However, I am a little concerned that the effect of the amendments, particularly with the inclusion of the word “technical”, would broaden the implications of the clause rather than simply prohibit the use of technology for improving cosmetics. I seek a response from either the member for Kingsley or the Minister for Health about this issue. In other words, is it possible that if I agree to these amendments, they may go further than intended by prohibiting a range of other research that may assist with the problems of infertility or may limit or eradicate serious genetic diseases? If that is the prospect of the amendments, they would be problematical and difficult to support.

Mrs C.L. EDWARDES: I am talking about cosmetic products other than pharmaceutical products. Therefore, the members for Vasse and Darling Range can rest assured that I am talking about cosmetic products. The amendment was previously worded to include cosmetic products and training of staff inclusively, but not exclusively, for commercial or technical purposes. It had the potential to spread wider, and that is why I tightened this amendment. This amendment will mean that no excess ART embryos will be used in the testing, creation or manufacture of cosmetic products.

Mr P.W. ANDREWS: A moment ago the member for Kingsley said she could see no reason for any member in this place not supporting these amendments. I believe many members will not support these amendments, because if they do they will be saying that the embryo is of worth and, therefore, it should not be wasted on cosmetics. If those members proceed from the point that the embryo is of worth, they would be hypocritical in voting against restrictions that we are trying to put in place. That is my answer to the member for Kingsley.

Mr J.B. D’ORAZIO: I rise in support of these amendments. In doing so, I support the member for Kingsley’s contention that this restriction should be placed on cosmetics. As a pharmacist who knows the ins and outs, I am aware that the lines between pharmaceutical products and cosmetics become very blurred. I am happy for the amendments to be put in place, because it would be some indication in this Parliament that the use of these

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

embryos for the purpose of cosmetics, as most of us understand cosmetics, is not permitted. I also point out to the Chamber that if members do not support these amendments after they have been moved, they will give a clear indication to the community that it is okay to use embryos for cosmetics. I do not think any member of this Parliament or the community would support that position. All those members who are not in this Chamber but are sitting in their offices should look at the monitor and listen to what we are talking about; they should not come into this Chamber and vote blindly, because this is an important issue. If these amendments are not carried it will be an indictment of this process and of some of the people who are not listening to this discussion. I am sure that if everybody thought about this issue carefully, the vote would be unanimous.

Mr R.C. KUCERA: I am a little concerned about the explanation that was given by the member for Kingsley. I was involved in the issues that arose from the Bali bombing. Many of the products that are now being used for the repair of burns, skin damage etc can in many instances also be used in cosmetic surgery and are actually referred to as cosmetic products, depending on how they are used. I share some of the concerns of the member for Kingsley if we are referring to the different kinds of make-up, if I can use that term, that the member for Ballajura might have sold in his pharmacy.

A government member interjected.

Mr R.C. KUCERA: I do not mean to be insulting, but it is a very different thing from the product that is used to fix the kinds of horrific injuries that arose from the Bali bombing. It would concern me greatly were an amendment of this kind to restrict the development of that kind of medical technology. There is a very fine line in the definition that is being proposed here.

Mr J.B. D'ORAZIO: I thank the Minister for Tourism for his comments. My comment a few minutes ago was that the exact opposite of that occurs. Products that are, in my opinion, cosmetics, are called pharmaceuticals. The line of argument is actually the other way and not how the minister indicated. I have some difficulty with that, coming from an area where even a simple aqueous cream is called a pharmaceutical when it is just a bit of oil mixed in a cream base and suspended.

Mr B.K. Masters: Called a pharmaceutical by whom?

Mr J.B. D'ORAZIO: As it is known colloquially by the industry. Therefore, the danger is in a cosmetic being called pharmaceutical rather than a pharmaceutical being called a cosmetic. The line of argument is the other way around, not the way the minister indicated. Therefore, I ask members to support this amendment because it would be a horrific situation if we did not.

Mr P.G. PENDAL: I support the amendment moved by the member for Kingsley. Implicit in it is a further argument. Not being someone who is all that familiar with cosmetics, some months ago I arranged for my wife to go through the appropriate bathroom drawer and pull out those products that pharmaceutical companies or others are proud to advertise as having no animal content or not having been tested on animals. There is a remarkable range of them. Implicit in what we are talking about today is at least putting human embryos on the same level as dolphins, other mammals or animals on which cosmetic or pharmaceutical producers claim their products have not been tested. It would be a travesty for us to turn our back on the amendment moved by the member for Kingsley in the light of what she and the member for Ballajura have said. It becomes a statement of the Parliament that even for those of us who do not agree with using live human embryos allegedly for the cause of doing good elsewhere, that at least we do not go down the path of using live human embryos for utterly trivial purposes. The member for Kingsley spelt that out and that is why the amendment refers to cosmetics. As a pharmacist, the member for Ballajura has added his own appreciation of that matter. Let us at least do something out of this. Having gone so far down the path in the past three days of diminishing the value of live human embryos, the one thing we can do is say that no live human embryo will be used for this trivial purpose. I recall being bowled over in this debate by the member for Nedlands when she said in this place that she had thought that for some months previously we were talking about experimentation on dead human embryos. She found that very difficult to deal with. However, when she discovered that we were talking about live human embryos, it was sufficient for her to change her vote and oppose the Bill. Given the conceptual difficulty for perhaps some people about the extent to which live, albeit frozen, human embryos should be treated, let us all agree at least that they cannot be treated as though they are parts of a dolphin, a cat, a dog or some other being from the animal kingdom. I urge members to support the amendments.

Mr B.K. MASTERS: A minute ago, the member for Southern River expressed a concern that some people in this place might not support this amendment on the basis that they previously supported the use of embryos for medical research and therefore they might be seen as being somewhat hypocritical. I am prepared to support this amendment even though I voted against other amendments moved by the members for Kingsley and South Perth

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

and others because, as I said a few minutes ago, there is no denying that an embryo up to 14 days of age is a human life. Therefore, it must be treated with respect in all circumstances. The amendments moved by the member for Kingsley show a certain degree of respect for embryos, which are human lives. I do not believe that members would show any double standards or hypocrisy by supporting these amendments. The member for Southern River will know that most things we debate in this place are not black or white; they are shades of grey. I hope there is overwhelming support for these amendments. I agree with the member for Kingsley's proposition that experimentation on excess embryos should not be done in connection with cosmetic products.

Ms K. HODSON-THOMAS: I also support the member for Kingsley's amendments. As a woman who uses a number of skin products, I vehemently oppose the thought of excess ART embryos being used as part of any testing for cosmetics. People are vehemently opposed to the testing of cosmetic products on animals. I hope that all members have heard the very many comments made on this issue, particularly by the member for Ballajura, who has made some very valid and articulate comments on these amendments. I hope members will support this amendment.

Mr J.H.D. DAY: I am keen to hear a response from the Minister for Health about the implications that I raised earlier of these amendments.

Mr J.A. MCGINTY: I am certain that no-one in this House approves of excess embryos being used in experiments aimed at improving lipstick and mascara. If that was the nature of the amendments, they would have the unanimous support of the House. There are four reasons for not supporting the amendments, and I ask members to think about them. The first point concerns the national scheme. This matter was debated extensively in the Commonwealth Parliament and we are implementing the outcome of that extensive debate in the Commonwealth Parliament without that restriction. I ask members to seriously consider my second point. Some of my schooling at Marist Brothers in Bunbury stuck in my mind, including some Latin.

Mr P.G. Pendal: Let us hear you get the pronunciation right.

Mr J.A. MCGINTY: The member can correct me if I get it wrong. I refer to the Latin maxim *expressio unius personae vel rei est exclusio alterius*.

Mr P.G. Pendal: Ah!

Mr J.A. MCGINTY: That legal maxim means the expressed mention of one excludes others, or the expressed exclusion of one can lead to the inclusion of others. My concern is that the expressed exclusion of cosmetic products - I will come in a minute to what that means - could, as a matter of legal interpretation, lead to undesirable outcomes in the way in which the amendments have been expressed. In other words, the exclusion of cosmetic products might imply that other products are included. I raise that matter as a question of legal construction. That is not what is intended here.

The third point I raise, which goes very much to the heart of it, is what is a cosmetic product? It is not defined by this legislation. If the member for Kingsley moved that embryos could not be used for research on lipstick, mascara and other like products, I would support the amendments. The difficulty is that the definition of cosmetic products has a far wider meaning than female beauty accoutrements, whatever form they may take.

Mrs C.L. Edwardes: And male accoutrements.

Mr J.A. MCGINTY: Those too. It also includes matters relating to plastic surgery. Synthetic skin is a cosmetic product.

Mr J.B. D'Orazio: Honourable minister, that is not true.

Mr J.A. MCGINTY: With due respect, the member for Ballajura is wrong.

Mr J.B. D'Orazio: The interpretation would be the other way, not that way.

Mr J.A. MCGINTY: The member might want that to be the view, but he is profoundly wrong. The definition of cosmetic products is not limited to lipstick and mascara; it is far broader than that. For example, it includes synthetic skin and a range of allergy products. People will say that they want those products excluded too. They are cosmetic products. The argument could be continued down through that line. The problem with the amendments is that "cosmetic products" is not defined. I suspect it has not been defined in order to achieve a far broader exclusion than what it appears, on the face of it, to be.

Mr P.G. Pendal: That is not true.

Mr J.A. MCGINTY: If the amendments were defined more narrowly -

Mrs C.L. Edwardes: We will pick you up on your suggestion.

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Mr J.A. McGINTY: If the member were to confine the definition of cosmetic products to what I think everyone thinks it is confined to, I would not have a problem with the amendments. However, the Government cannot support the amendments as they currently stand because they are too broadly cast.

Frankly, I cannot think of a reason why this type of research should not be allowed when dealing with a range of medical applications that could improve the quality of life for people who have suffered horrendous burns, skin conditions or anything of that nature. I can think of reasons for not allowing research to be conducted for trivial matters. I completely agree with the member for South Perth on that point. The problem with the amendments is that they will not achieve what the mover says they are designed to achieve. That is why we should vote against them.

Mr P.G. PENDAL: I am interested in buying a little time for the member for Kingsley. I must decide whether to recite the charge of the Light Horse Brigade or do my best to stick to the point.

Mr M. McGowan: Tell us your life story.

Mr P.G. PENDAL: If the young member for Rockingham wants to hear my life story, he can attend the public forums in South Perth like everyone else.

The ACTING SPEAKER: The member has only four and a half minutes remaining!

Mr P.G. PENDAL: The Minister for Health has given the Opposition an opportunity to confine the meaning of "cosmetic products" by narrowing the definition. The Minister for Health has agreed with the notion that under no circumstances should human products of this kind be used for trivial purposes. We operate under the Interpretation Act, so any court would be capable of reading the debate and noting that there is a very clear differentiation in the mind of everyone who has spoken so far between the sort of products we are talking about. The notion that lipstick - to use the word mentioned by the minister - mascara or other like products would be created or tested by using embryos is at the heart of the effrontery that members feel. I believe there is an opportunity to show some bipartisan support. If the member for Kingsley is in a position to do anything, having had a few minutes in which to do something other than hear my life story, the purpose will have been served.

Mr M.F. BOARD: Like the minister, I am concerned about the consequences of the amendment. The amendment is a good one. Its intent to restrict is exactly what we are trying to achieve. Yesterday an amendment that I thought was worthy of the support of this House was defeated because we put our faith in the Reproductive Technology Council to approve only research and projects of consequence that are worthy of the testing of embryos.

We will now attempt to restrict the Reproductive Technology Council. In doing so, members are endeavouring to give a message to the community, more than the council, about our values as a Parliament and what we believe about human embryos and their status. Human embryos are not a tradeable product, nor one that can be belittled in any way. I am concerned that the definition of "cosmetic" is extremely difficult. The development of the ability to grow human organs and to transport them for life-threatening situations is very important. However, what becomes cosmetic? Does a nose, ear or eye become cosmetic? What is the definition of "cosmetic" as opposed to something that enhances a person's life and is important for a person's quality of life? That is what we are dealing with in this definition. I am hoping that, as a result of the new amendment that may be put forward, we will be able to clarify the position and clearly define for the community the uses we support and those that are outside the parameters for testing.

Mrs C.L. EDWARDES: Picking up on the Minister for Health's comments, I have a further amendment to my amendments. I intend to move for the addition of the words "such as lipstick, mascara, face moisturising creams and other like beauty products". I believe that meets the concerns that are being raised. We are not talking about anything of a medical nature. In case there is any concern about the interpretation of "cosmetic products", I have picked up the Minister for Health's words so that there will be no possibility that an excess ART embryo proposed in the application could be used for technical or commercial purposes in the testing, creation or manufacture of cosmetic products such as lipstick, mascara, face moisturising creams and other like beauty products. That will make it very clear.

The ACTING SPEAKER (Mr A.D. McRae): Is the member seeking to add those words to both of the amendments that she has had leave of the House to move jointly?

Mrs C.L. EDWARDES: Yes. I seek leave to move an amendment to both of those amendments.

The ACTING SPEAKER: The simplest way to proceed is for the member to seek leave to withdraw her previous amendments, and she can then seek leave to move her amended amendments.

Mr Phillip Pandal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Mrs C.L. EDWARDES: Thank you, Mr Acting Speaker. I seek leave to withdraw my two previous amendments.

**Amendments, by leave, withdrawn.**

Mrs C.L. EDWARDES: I move -

Page 44, after line 23 - To insert the following -

- (d) that there is no possibility that an excess ART embryo proposed in the application could be used for technical or commercial purposes in the testing, creation or manufacture of cosmetic products such as lipstick, mascara, face moisturising creams and other like beauty products.

Page 45, after line 16 - To insert the following -

- (5) The NHMRC Licensing Committee must not issue a licence if the use of an excess ART embryo proposed in the application is, or could be, for technical or commercial purposes in the testing, creation or manufacture of cosmetic products such as lipstick, mascara, face moisturising creams and other like beauty products.

Mr J.B. D'ORAZIO: I point out to the Chamber that even with these new amendments, the comments of the member for Murdoch still apply. The interpretation of the words in these amendments will still be in the hands of the committee. Therefore, there is no justification for anyone to oppose these amendments. They are very specific and narrow. I am happy to leave to the committee the interpretation of "cosmetic products". There is no intention on my part, or on the part of anyone else involved in this debate, to try to extend those words. What the Parliament wants to say clearly is that human embryos are not to be used for the testing of beauty products under any circumstances. That is what I want to achieve, and if we can do that today we will have done something worthwhile, even though I am still opposed to the use of human embryos for any purpose.

Ms K. HODSON-THOMAS: I also support the amendments. The use of excess ART embryos for technical or commercial purposes in the testing, creation or manufacture of any cosmetic products should be prohibited. As the member for Kingsley has already articulated, the community is outraged at the use of animal products. The community should also be outraged at the thought of using live embryos for technical or commercial purposes. I feel similarly to the member for Ballajura that the use of an embryo for any purpose other than for what it is intended should be opposed. An embryo is created for a couple who are infertile or who have a genetic disorder. As such, I am firmly supportive of the member for Kingsley's amendments. I hope that this Parliament unanimously supports them as well.

Mr J.A. MCGINTY: The debate over the past quarter of an hour has highlighted the difficulties we face when trying to do things on the run. I agree with the member for Murdoch's views on this clause. Under the national legislative scheme that has been developed to comply with the Council of Australian Governments agreement, there are no specific limitations on the types of uses of excess ART embryos for which the National Health and Medical Research Council licensing committee may grant approval. The explanatory memorandum for the commonwealth legislation and the Bill make clear the intention that the approved uses may include any type of research, including stem cell research or ART-related research, and training and quality assurance activities within the ART clinics. The legislation imposes a tight framework within which the NHMRC licensing committee is to operate in granting licences. I refer members to proposed section 53ZB(4)(b) at page 125 of the Blue Bill. The instruction is issued to the NHMRC licensing committee that, in deciding whether to issue a licence, it must have regard to, among other things -

the likelihood of significant advance in knowledge or improvement in technologies for treatment as a result of the use of excess ART embryos proposed in the application, which could not reasonably be achieved by other means;

Two tests and one qualification in that are important. The first question that must be posed is whether the research will provide a significant advance in knowledge. I find it very difficult to envisage how knowledge about lipstick could be significantly advanced by the use of excess ART embryos.

Mrs C.L. Edwardes: You do not know much about cosmetics then!

Mr J.A. MCGINTY: I know absolutely nothing about cosmetics.

The second test applied is whether the research will lead to improvement in technologies for treatment. Again, I cannot envisage that that test would be satisfied with cosmetics or beauty products as we understand them, in which case they would not be approved. There is another qualification: "which could not reasonably be



Mr Phillip Pandal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

achieved by other means". That would rule out the sorts of things that are sought to be ruled out by these amendments in any event.

Mrs C.L. Edwardes: The use of live animals is making it very hard for those companies because of cost and access. The community is concerned. The easiest thing for the companies would be to move to the new technology.

Mr J.A. McGINTY: My argument is not whether embryos should be used for testing of beauty products; we all agree that should not happen. We are dealing with an amendment to the Act. The point has been made that a national scheme has been developed, and we have legislation that imposes restrictions that will have the effect of excluding the things the member is concerned about. A licence will be granted only if a proposed use is likely to bring a significant advance in knowledge or improvement in technologies for treatment that cannot be achieved other than through the involvement of human embryos. That is sufficient to exclude the very things that the member is complaining about. The NHMRC licensing committee cannot approve the use of excess ART embryos for trivial reasons or if there is any other way of achieving the same outcome. The NHMRC licensing committee has the expertise to consider the complex technical and ethical aspects of applications for licences and is the appropriate body to develop the parameters for these decisions. The commonwealth legislation establishes the framework for public scrutiny of the decisions of the NHMRC licensing committee. I conclude my comments on this note: I do not feel comfortable proceeding this legislation with amendments that are drafted on the run and that depart from what applies everywhere else in Australia following rigorous debate and consideration. The very fact that we have now confined cosmetic products to lipsticks, mascara and beauty products is illustrative of that difficulty.

Amendments put and a division taken with the following result -

Ayes (25)

Mr P.W. Andrews	Mr J.B. D'Orazio	Mrs C.A. Martin	Mrs M.H. Roberts
Mr C.J. Barnett	Mrs C.L. Edwardes	Mr B.K. Masters	Mr P.B. Watson
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr M.P. Murray	Mr M.P. Whitely
Mr M.F. Board	Mrs D.J. Guise	Mr A.P. O'Gorman	Ms M.M. Quirk ( <i>Teller</i> )
Mr J.J.M. Bowler	Ms K. Hodson-Thomas	Mr P.D. Omodei	
Mr J.L. Bradshaw	Mr M.G. House	Mr P.G. Pandal	
Mr A.J. Dean	Mr R.F. Johnson	Mr J.R. Quigley	

Noes (15)

Mr M.J. Birney	Mr B.J. Grylls	Mr F.M. Logan	Mr N.R. Marlborough
Mr A.J. Carpenter	Mr S.R. Hill	Mr J.A. McGinty	Mr E.S. Ripper
Mr J.H.D. Day	Mr J.C. Kobelke	Mr M. McGowan	Mr D.A. Templeman ( <i>Teller</i> )
Dr J.M. Edwards	Mr R.C. Kucera	Ms S.M. McHale	

**Amendments thus passed.**

Mr B.K. MASTERS: I move -

Page 46, lines 22 to 27 - To delete the lines.

Page 47, line 1 to 5 - To delete the lines.

These amendments delete lines that would prevent the use of human embryos created after 5 April 2002. I suspect I will be a lone voice.

Mr J.H.D. DAY: I place on record my reasons for voting against the amendments that the House has just voted on, although I know we have moved on somewhat. As I expressed in my comments about half an hour ago, I support the intent of what was sought to be expressed; namely, that the use of embryos for research purely in relation to anything concerning cosmetics, such as lipstick or mascara, would be unacceptable to most people in the community. My only reason for voting against the amendment was concern about its unintended consequences, as expressed by the Minister for Health. The amendments have been passed, which is well and good. If there are continued major concerns about the implications of those amendments, they may be discussed further in the Legislative Council. That is the reason I voted against the amendments, not because I do not support the general intent.

**Amendments put and negatived.**

Mrs C.L. EDWARDES: I move -

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Page 47, after line 5 - To insert the following -

- (4) A licence is subject to a condition that an excess ART embryo may only be used for purposes permitted by the licence and a condition that prohibits the use of an excess ART embryo for any other purpose including technical or commercial purposes for the testing, creation or manufacture of cosmetic products such as lipstick, mascara, face moisturising creams and other like beauty products.

This amendment is consequential to the two amendments just passed.

**Amendment put and passed.**

Mr J.A. McGINTY: I move -

Page 52, after line 13 - To insert the following -

**Clause 53ZKA. Annual reports**

- (1) The NHMRC Licensing Committee may furnish to the Minister a copy of any report prepared under section 19(3) of the *Research Involving Human Embryos Act 2002* of the Commonwealth (insofar as the report is relevant to the operation of this Act).
- (2) The Minister, must, within 12 sitting days after receipt of a report under subsection (1), cause copies of the report to be laid before each House of Parliament.

This amendment arose from discussions yesterday concerning reporting to this House, and my undertaking following the defeat of an amendment moved by the member for South Perth to ensure that the National Health and Medical Research Council licensing committee report furnished to the minister is to be tabled in this Parliament. The provision does not provide the measure of accountability that the member was seeking, but it is a step in that direction.

Mr P.G. PENDAL: There is a saying that half a loaf of bread is better than no bread at all; I put this amendment in the category of about two slices. I am amazed - I repeat what I said yesterday - that there is a willingness by a minister in this House to table a federal report, but not to bring about the tabling in this House of a state report. I see, as have other members, annual reports tabled in this House from time to time by the minister on behalf of the Reproduction Technology Council. They are very substantial documents. They may contain things with which I disagree, but they are documents of real substance. The facility sought yesterday through the amendment was to ensure that the body principally concerned with these matters in Western Australia would have the facility to monitor and report through the commissioner and minister to this House. For us to come back one day later and be told that the best we can do is table a federal report, over which we have no capacity to ask questions, is a travesty. It is a great pity that a little more imagination was not used.

Mr J.A. McGinty: Do you want me to withdraw it?

Mr P.G. Pendal: It is of no consequence at all. It is your amendment.

**Amendment put and passed.**

Mr J.A. McGINTY: I move -

Page 58, lines 25 to 30 - To delete the lines and substitute "on 5 April 2005".

This represents the undertaking I gave the House when debating an earlier amendment by the member for South Perth to delete from the Bill the ability of the Council of Australian Governments to declare an earlier date; in other words, to overcome the prohibition on the use of embryos created between 2002 and 2005. We have already had a comprehensive debate on this issue. This is the undertaking I gave to the House to move that amendment.

Mr B.K. MASTERS: I seek advice from the minister - I think I have heard it before, but I need clarification - on why there is a need for any date to be mentioned on the use of embryos?

Mr J.A. McGINTY: Obviously there is no difference between an embryo pre-2002 and post-2002. It is simply reflecting the national agreement that there be a three-year period during which legislation can be passed, protocols can be put in place and the whole new regime can be established and become operational. It was intended that embryos post-2005 could become available for these purposes. We have taken away the ability to bring that date forward. It is simply implementing the national agreement, which has a moratorium for three years in order to bed down the new system.

**Amendment put and passed.**

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

Ms M.M. QUIRK: I move -

Page 58, after line 30 - To insert the following -

**Division 10 – Conscientious objection to use of excess ART embryos**

**53ZVA. Conscientious objection to use of excess ART embryos**

Despite any requirement under a contract or a written law, a person is not required to use, or assist another person in using, an excess ART embryo under this Part if the person has a conscientious objection to doing so.

I understand that the minister - I am pleased that he has furnished me with these words - will ultimately agree with this amendment. To some extent this amendment mirrors the kind of sentiment used in section 334(2) of the Health Act, which provides for conscientious objection in relation to abortion. This should in no way be exceptional in the context of this legislation. The amendment seeks to provide some level of protection to persons working within the research field who conscientiously object to performing research on embryos. It has been said that such a provision is superfluous because, under the NHMRC's 1996 "Ethical guidelines on assisted reproductive technology", clause 10.1 provides -

Those staff who conscientiously object to research projects or therapeutic programs conducted by institutions that employ them should not be obliged to participate in those projects or programs to which they object and they should not be put at a disadvantage because of their objection.

The difficulty is that, despite this provision, the guidelines do not have force of law. The guidelines are currently under review and there is no guarantee that clause 10.1 of the guidelines will remain in its current form.

This amendment is consistent with the thread of current government legislation for a range of areas in which we respect and value diversity of opinion and lifestyle. We accept that we live in a pluralistic society and that there is a range of values and opinions on any given issue and that all are of equal worth. Similarly, on the issue of conducting research on human embryos, it is clear from the debate over the past few days that there is a diversity of opinion. In my view, it would be undesirable if we failed to adequately recognise that views about such research are legitimate, even if they do not accord with what is regarded as the orthodoxy. It also would be unfortunate if such views, which are quite legitimate, were consigned to the category of being fundamentalist, antiprogress or crackpot. The people who have reservations on the implications of embryo research come from a broad range of ideological perspectives and across the spectrum.

Mr P.G. PENDAL: I would very much like to hear more from the member for Girrawheen.

Ms M.M. QUIRK: I thank the member for South Perth. On the diversity of opinion on this issue, I refer to an article by Simon Cooper in *Arena Magazine*, which is not considered to be on the right of the spectrum. The article titled "The Small Matter Of our Humanity" states -

Certainly the implications of biotechnology have generated cultural fears and anxieties that cannot be simply dismissed as quasi-religious or allayed by appeals to scientific expertise. The question concerning biotechnology has split traditional political formations. Those on the Left who feel uneasy about biotechnology - either from a sense that it alters our fundamental humanness, or that it represents the final commodification of human life - find themselves in the same camp as religious and political conservatives. Others on the Left who understand biotechnologies through the notion that greater knowledge leads to the empowerment and liberation of the oppressed find themselves aligned with venture capitalists, right-wing libertarians and political leaders desperate to attract the corporate research dollar. The ongoing split within the Right between moral conservatives and economic libertarians is only exacerbated by the contemplation of a biotechnological future.

I read the article because it will impress on members that, by passing the amendment, it is acknowledged that everyone's view is legitimate and of equal value and that on occasions people may feel uncomfortable about proceeding with such research and their views will be given full protection by society.

Mr P.G. PENDAL: I not only support but also commend the member for Girrawheen for moving the amendment. The amendment mirrors an amendment that was passed as one of the very few achievements in the 1998 abortion debate. It is true that the amendments are not in strict parallel, in the sense that five years ago in the abortion debate the amendment sought to ensure that, for example, a Catholic hospital, of which there are many, would not be put in the compromised position of being forced to carry out an abortion. One could argue that with this Bill a compromised position is unlikely to arise at an institutional level. Under the Bill, an organisation that has an ethical or moral qualm about using embryos for research simply would not apply for a

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

licence. However, as the member for Girrawheen pointed out, although her original amendment involved persons in institutions, the problem could arise for an individual. The amendment makes an important statement in a day and age when people believe that strictures are being removed from many parts of society's ethical conduct. The amendment will give at least some protection to those people in all forms, including in their employment if they work in an organisation that requests them to do something that they believe is morally or ethically wrong. We have not heard officially from the Government on the amendment, but I understand informally that the member's amendment will be supported. I certainly hope that is the case, because it is an amendment of real importance to many people in our society.

Mr P.W. ANDREWS: Given that the good minister is engaged in negotiations right at this moment, I take this opportunity to support the amendment moved by the member for Girrawheen. Given the debate that has taken place in this place, the members reflect the view of the community, and obviously many people feel strongly about some aspects of the various types of research that is done. We would certainly not want to see an individual working for a company forced to work against his or her conscience. Therefore, the amendment would carry a lot of weight in the community. If and when this Bill gets through, it would give a lot of people out in the community a sense of wellbeing to think that we have taken this matter into consideration and included it in the Bill.

Mr J.A. MCGINTY: As one of the two members of this House who can claim to have undertaken conscientious objector status in respect of a matter of conscience, I am delighted to support this provision.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 37 to 40 put and passed.**

**Title put and passed.**

*Standing Orders Suspension*

**MR J.A. MCGINTY** (Fremantle - Minister for Health) [4.28 pm]: I move without notice -

That so much of the standing orders be suspended as is necessary to enable the Bill to proceed forthwith to the third reading.

I thank members for the way in which the very constructive debate has progressed over the past few days. People have passionately stated their points of view, debate has not become a matter of personal acrimony and it has proceeded on the basis of the merit of the argument prevailing. I thank members for the way in which the debate has been handled over the past couple of days in particular. We all remember the very divisive and acrimonious debate that took place some years ago over what some people would see as a comparable matter. For that reason I am particularly pleased that we have had time, in a non-pressured environment, to facilitate this debate.

I am also appreciative of the recognition by members of the need to progress these Bills this far, so that we can conclude them today. For that reason I am pleased with the indication of support from the Opposition to conclude these Bills today so they can be transmitted to the Legislative Council.

**MR R.F. JOHNSON** (Hillarys) [4.29 pm]: The Opposition is happy to support the motion to suspend standing orders to move from consideration in detail to the third reading stage of this Bill.

**MR P.G. PENDAL** (South Perth) [4.29 pm]: I support the suspension of standing orders. It is worth reflecting for a second on the lack of acrimony to which the Minister for Health has referred. It has been a valuable thing. That is not to be taken as a lack of commitment on the part of those who vehemently oppose the Bill for the reasons outlined. If we have learnt one thing from the 1998 debate - lessons were learnt - it is that, in the end, parliamentary democracies, to my regret and perhaps to others' regret, still depend on a majority vote being taken. Although the acrimony was happily absent from this debate, many people feel that the legislation that will pass today - certainly not with my vote - is not an advance for the State and is a regressive step. However, I support the suspension of standing orders.

Question put and passed with an absolute majority.

*Third Reading*

**MR J.A. MCGINTY** (Fremantle - Minister for Health) [4.32 pm]: I move -

That the Bill be now read a third time.

Mr Phillip Pendal; Mr Bernie Masters; Mr Martin Whitely; Mr Jim McGinty; Acting Speaker; Mrs Cheryl Edwardes; Mr John Day; Mr Paul Andrews; Mr John D'Orazio; Mr Bob Kucera; Ms Katie Hodson-Thomas; Mr Mike Board; Ms Margaret Quirk; Mr Rob Johnson

---

**MR M.F. BOARD** (Murdoch) [4.32 pm]: I will make a couple of comments. Although we have had a conscience vote on this legislation, I will speak on behalf of the Opposition to some degree and say that it has been a very worthwhile debate. Those who have been party to an independent or conscience vote for the first time can see the way in which the Parliament may have been designed to work originally under the Westminster system. I commend it as a way in which we can have some freedom to consider, from time to time, very important issues before the community.

I recognise that a number of people have played a significant role in moving this Bill forward, not the least of whom is Mrs Sonja Jenkins who is in the gallery today - she will be embarrassed by the fact that she has been named a number of times. She has shown a great deal of courage and commitment and she has, in many ways, exposed her own personal difficulties for the benefit of others to come and the community. In doing so, she has enlightened many members of Parliament, assisted in the progress of this Bill and played an important role in increasing our knowledge base to get us to this point.

The Opposition, in assisting to move this Bill forward, has recognised the important role played by the Independents and other members of this Parliament who have moved amendments. Although they have not all had the support of the majority of the House, they have added to the debate and the understanding of exactly where we are.

The debate on the amendments, as recorded in *Hansard*, has also provided some clarification of matters via the minister's responses and will give guidance to the community, as well as to the Western Australian Reproductive Technology Council and an ethics committee, which will have an awesome responsibility in determining and taking forward the matters placed before them. On behalf of a number of opposition members, we commend the Bill and we offer it our support.

Question put and a division taken with the following result -

Ayes (27)

Mr C.J. Barnett	Mr B.J. Grylls	Ms S.M. McHale	Mr E.S. Ripper
Mr M.J. Birney	Mrs D.J. Guise	Mr A.D. McRae	Mr D.A. Templeman
Mr M.F. Board	Mr R.F. Johnson	Mr N.R. Marlborough	Mr P.B. Watson
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mrs C.A. Martin	Mr M.P. Whitely
Mr A.J. Carpenter	Mr F.M. Logan	Mr B.K. Masters	Dr J.M. Woollard
Mr J.H.D. Day	Mr J.A. McGinty	Mr M.P. Murray	Mr R.C. Kucera ( <i>Teller</i> )
Dr J.M. Edwards	Mr M. McGowan	Ms J.A. Radisich	

Noes (13)

Mr P.W. Andrews	Mrs C.L. Edwardes	Mr J.R. Quigley	Mr A.J. Dean ( <i>Teller</i> )
Mr D.F. Barron-Sullivan	Ms K. Hodson-Thomas	Ms M.M. Quirk	
Mr J.L. Bradshaw	Mr P.D. Omodei	Mrs M.H. Roberts	
Mr J.B. D'Orazio	Mr P.G. Pendal	Ms S.E. Walker	

Question thus passed.

Bill read a third time and transmitted to the Council.