

HUMAN REPRODUCTIVE TECHNOLOGY AMENDMENT BILL 2003

Second Reading

Resumed from an earlier stage of the sitting.

MR J.H.D. DAY (Darling Range) [3.00 pm]: I seek an extension, although I probably will not use it.

[Leave granted for the member's time to be extended.]

Mr J.H.D. DAY: Before question time I was making comments on the provisions in the Human Reproductive Technology Amendment Bill 2003 to apply strict controls to research involving human embryos. I am aware that, on the one hand, some people in the community are strongly opposed to this legislation.

The SPEAKER: That is better. I might be able to hear the member for Darling Range now.

Mr J.H.D. DAY: On the other hand, others in the community are strongly supportive of the legislation because of its potential to alleviate and reduce human suffering and disease in the community if the research is used in the right way. Those who oppose the legislation do so in part on the basis that they regard this technology as interfering with and potentially destroying human life. There is also some opposition on the basis that adult stem cells are much more likely to be beneficial than embryonic stem cells in research and reducing the incidence of disease.

A number of aspects need to be commented on. First, it is important to observe that the purpose of stem cell research, whether it be embryonic stem cells or adult stem cells, is to take action to alleviate human suffering and disease in our community. That is the whole basis of this legislation. It is made very clear that if that is not the purpose of the research, it will not be permitted. Very stringent criteria are being put place in which approvals will need to be granted for research to be undertaken, and if those criteria are not met, it will not be approved by the relevant council. It will also be necessary for applicants for approvals to show that there is no other way in which research can be undertaken; in other words, there is no other way in which the potential benefits might be arrived at.

Secondly, research will involve embryos that otherwise would not be implanted and would be allowed to succumb; in other words, they would not be in a position to develop into human beings, as many would put it, and certainly would not be born in the usual way after the normal period of gestation. I understand that there are a large number of embryos in storage, not only in Western Australia but also in Australia. Some people who expressed views to the Select Committee on the Human Reproductive Technology Act 1991 in 1999 said that it would be much easier for them to make a decision about the future of the embryos if they knew they would be put to some useful purpose rather than simply allowed to succumb. It is apparently the case that a lot of embryos that are in storage at the moment are not likely to be implanted. Some parents would find themselves in a better position to make a decision about the future of those embryos if they knew that some useful purpose might come from beneficial research in this area. Those were some of the views expressed to the Select Committee into the Human Reproductive Technology Act 1991.

I referred earlier in my comments to the submission from the Baptist Union of WA, in which it is observed that, in some circumstances, it might be appropriate to allow research, albeit with some controls.

I am mindful of the comments of the Prime Minister, John Howard, on this issue when he introduced the equivalent Bill into the Commonwealth Parliament. In his second reading speech he said -

A key fact shaping my view was that at present surplus IVF embryos are disposed of after a set period of time in storage, in consultation normally with the donor where that is possible, and largely through exposure to room temperature.

I could not find a sufficiently compelling moral difference between allowing embryos to succumb in this way and destroying them through research that might advance life-saving and life-enhancing therapies. That is why, in the end, I came out in favour of allowing research involving excess IVF embryos to go ahead.

That sums up well the views of many people in the community who have thought about this issue. They very much equate to the views I have reached after considering all aspects of it.

The third aspect that deserves comment involves the various views in the community about when life begins. Some people hold the view, as they are entitled to, that life begins with fertilisation, when the ovum and the sperm merge and genetic material combines. Others consider that fertilisation and conception are not synonymous and that conception involves a process over a period separate from fertilisation. Views on this issue have been expressed in some detail, and somewhat academically, in an address by Dr Peter Carnley, the

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Anglican Archbishop of Perth and the Anglican Primate of Australia. I am grateful to the member for Churchlands for providing me with a copy of his address.

The ACTING SPEAKER (Mr J.P.D. Edwards): Order! I ask members on my right to either take their conversation outside or cease.

Mr J.H.D. DAY: Thank you, Mr Acting Speaker. Dr Peter Carnley's address was the subject of a paper presented to the annual meeting of bishops held in Perth in March 2002. He discussed a number of issues, one of which was fertilisation and conception. He said -

We must therefore address the question of whether procedures that involve the discarding or sacrifice of fertilized ova, whether in the process of achieving at least a successful pregnancy or some advance in genetic therapy, perhaps by the harvesting of stem cells, are acceptable at all.

It is at this point that the question of when a human life actually begins becomes absolutely crucial.

He says further on in his remarks -

But the pressing question is: When exactly is the embryo to be accorded the status of an individual human person or potential human person for whom these basic rights may be claimed?

He raises the same question later when he asks -

... is a fertilized ovum rightly regarded as 'a human subject'?

He comments on various views in history, particularly those held by Augustine many years ago, who considered ensoulment as a distinct additional act of God at around the forty-sixth day after fertilisation. The Archbishop also observed that Aquinas thought that ensoulment happened 40 days after fertilisation in the case of males and 90 days after fertilisation in the case of females. Why there is a differentiation I do not know, but it would certainly be an interesting issue in which to delve further.

The Archbishop's comments continue -

I am of the view that the initial problem here is in the first instance one of semantic promiscuity, involving an illicit logical move from talk of 'fertilisation' to talk of 'conception'. The question is: are these synonymous terms? I think the physiological evidence indicates quite clearly that they are most certainly not.

He continues -

It is only at implantation at the earliest that we even can begin to say that conception has occurred.

The ACTING SPEAKER (Mr J.P.D. Edwards): Order! Members for Peel, Wanneroo and Rockingham, I am finding it difficult to hear the member for Darling Range and I am sure that Hansard is also finding it difficult to hear. I have already asked you once to be quiet. I would appreciate it if you would give the member for Darling Range the benefit of being able to be heard.

Mr J.H.D. DAY: The Archbishop's comments continue -

This would be about seven day's after fertilisation. But even here it is necessary to note that implantation is itself a process and, during the process of implantation, significant changes occur in the embryo, all of which, it seems to me, must be completed before it is possible to say categorically that a 'unique individual has been conceived'.

Towards the end of his address he states -

It is certainly not a question which can be arbitrarily decided on the basis of the level of scientific knowledge as it stood in the middle of the nineteenth century.

...

Furthermore, the status of the embryo in the first fourteen days is clearly different from its status with rights of protection as a 'conceived human individual' after the fourteen day process of conception is complete. Though up to fourteen days we are dealing with human genetic material which, as such, should be treated with respect, and certainly not frivolously, the inevitable loss of fertilized ova is not to be regarded as the killing of 'conceived human individuals' or the slaughter of 'human subjects'.

In conclusion he states -

To sum up, the argument of this paper is that much of the confusion in the current Australian debate comes from assuming that fertilization and conception are synonymous.

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I accept that some people in the community will strongly disagree with those views, and they are absolutely entitled to do so. The point is that people in the community have different views about whether life begins at the time of fertilisation or whether it is at a later point.

I also draw on the comments that were made by one of the speakers at the seminar that was organised by the Western Australian Reproductive Technology Council on 24 May last year. The proceedings of that seminar were published by the council and I am appreciative that copies have been provided to members of Parliament. I refer to Mr Philip Matthews, who is a lecturer in philosophy and ethics at Curtin University of Technology and the University of Notre Dame Australia, and one of the speakers at the seminar. I recommend that members of Parliament and the public read all of the proceedings of this seminar. One of his observations was that -

A similar (14 day) pragmatic limitation is being suggested for embryonic experimentation. Obviously this will not please everyone but this is not the main point behind ethics. As long as genetic protocols attempt to universalize benefits and maintain professional practice standards this is about as good as ethics gets.

In other words, we have to weigh up the competing views and ethical issues to consider the overall best possible outcome for the community. All of the relevant views must be taken into account; they certainly have been taken into account by me and, I am sure, by all members of Parliament. In the end, we have to make difficult decisions and choices. They are not clear-cut, nor are they black and white. It is a matter of balancing various competing arguments.

The fourth matter on stem cell research that needs observing is the debate on the research value of using embryonic stem cells as opposed to adult stem cells. Views have been expressed to me in correspondence from constituents. I take very seriously the comments that my constituents have made to me. Some of the views that have been expressed are that adult stem cells are much more likely to result in a beneficial advance in knowledge, and therefore a likely reduction in suffering and disease in the community, than the use of embryonic stem cells. That may or may not be the case. The important issue is that we do not know at this stage based on the inquiries I have made and the range of information available in the public arena. Until well-controlled research is undertaken we do not know what the likely outcome will be. In other words, as I understand it, embryonic stem cells and adult stem cells are not interchangeable for research. Both may well result in different aspects of knowledge being discovered and advances being made.

I have weighed up the matters relating to this complex issue and the fact that the purpose of this legislation is to assist in alleviating suffering in our community. I have weighed up all the views that have been expressed to me. I have considered all the controls that will be in place, bearing in mind that we are putting in place nationally consistent legislation which has already been put in place in the other States and Territories as well as the Commonwealth. I believe that this legislation is worthy of support. I recognise that some of my constituents will disagree with that point of view; on the other hand, I believe that the overwhelming majority of my constituents and the public generally will agree with my support for this legislation. I therefore support the Bill.

I conclude with one final quotation from Professor Alan Harvey, who addressed the seminar to which I referred earlier. He expressed a very appropriate cautionary note when he said -

While I accept that we need to understand more about human embryonic stem cells and that limited, carefully controlled research must be done on them, I do not accept the suggestion that we need billions of them quickly because it is the only way to fix this, that and the other disease. Such an attitude could quickly take us to the dangerous moment when there are no spare embryos and pressure is brought to bear to create human embryos purely as a resource for others - an anathema to many, including myself.

MR M.G. HOUSE (Stirling) [3.19 pm]: This is an interesting debate in that it is one of the few debates that have taken place while I have been a member of Parliament that has done two things: first, the debate has given members of the major parties a conscience vote and, second, we are debating an issue that is very much a moral and personal dilemma for most of us. Judging by the amount of correspondence and contacts I have had through my electorate office and from talking to people in my constituency, the issue has not generated as much angst or moral debate as did, for example, the debate we had on abortion a few years ago or, indeed, the debate and comment on the prostitution legislation. I suspect that probably the main reason is that people simply do not understand the ramifications of this legislation unless they are personally or specifically involved or unless they have a very strong religious belief or are involved in the medical processes. Unless people fall into those categories, they will probably not have taken a lot of interest in this legislation.

It places us, as members of Parliament, in a very interesting position. We are dealing with people's lives. We must make very difficult judgments about when life begins and how far we allow medical research to intrude into people's lives. Those are dilemmas that when we listen to the debates are not easily resolved.

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This is not a simple piece of legislation. I am one of those who favours the legislation being split into two Bills, as was done in the federal Parliament and I understand also in the South Australian Parliament. It was attempted in the Queensland Parliament, but if I remember correctly the Bills were amalgamated again for some reason, remembering of course that the Queensland Parliament has only one House and is not a bicameral Parliament in which there is an ability to review legislation. Nonetheless, because of the personal and religious beliefs that all members have to some extent, I believe the legislation should be divided into two Bills.

When we are faced with people who tell us that their lives would be greatly enhanced if we were to allow stem cell research on human embryos, albeit of 14 days' gestation, or less, it makes us realise how fortunate we are not to be faced with that personal dilemma. It also creates a situation in which we would find it very difficult, if not impossible, to deny those people the opportunity to benefit from such research. For that reason, I find myself able to support this legislation, because I do not want to be in a situation in which I would personally refuse those people the opportunity to have what I would regard as a normal life. Those people and others are also faced with a personal choice, because they must decide whether they will take advantage of that opportunity. My view is that as legislators we need to leave that opportunity open. I took the same view in the debate about abortion. It was my view in that debate that a woman should have the right to choose; it is not my right as an elected legislator to force a woman to do one thing or the other. I still hold that view.

I also want to put on the record, as I have on numerous occasions, that I am strongly opposed to the death penalty. I do not believe the State has the right to take a person's life by virtue of a legislative process, any more than an individual has the right to take a person's life. I guess people could say that I am trying to have two bob each way. I am certainly not. What I am trying to do is put into context the situation that arises whereby we can benefit from research into embryos that are very young in the gestation period; namely, 14 days.

Twelve years ago when the Parliament enacted legislation to allow couples to access what is commonly known as in-vitro fertilisation - in other words, to conceive a child by an assisted method - we did not envisage that we would be faced with this dilemma now. However, that was good legislation at the time, and as a Parliament we specifically rejected any extension of that legislation. I suspect that in 10 or 12 years, as medical research continues apace, we will be faced with dilemmas that will be even more demanding than this, some of which we probably have not even thought about. I am totally opposed to cloning. However, some people think it is all right for animals to be cloned. I have seen reports that some people want to have their pets cloned so that, when their pet dies, they can have their pet replicated. I cannot believe that will be of any advantage to human society at all, whereas this legislation will be of some advantage to human society.

I am quite happy to support the legislation in its broadest sense and I am prepared to listen to the amendments that will be proposed. I have some personal and religious barriers to what is happening but I do not find it within myself to reject the principles of this legislation. That may sound like an interesting thing to say but the legislation contains principles for other people. We need to open the door to give them the opportunity to make decisions. We are very reliant upon medical practitioners and others in the field to do what you and I call the right and honourable thing and to behave in a decent and honourable way. I would rather have legislation in this State that allows some measure of control, rather than duck the issue and not have any. That might open the door to people who may behave in an unethical way.

We have to move forward and we must have legislation. Although I prefer the Bill to be split, I indicate my support and I am prepared to listen with an open mind to the proposed amendments.

MR M.P. MURRAY (Collie) [3.26 pm]: In comparison with earlier speakers my speech will be very simple. When this legislation was first touted my staff put out a survey in my electorate. It is probably one of the most responded to surveys I have ever conducted. I received more than 400 replies. I was surprised by the number of people who dropped into my office just to talk about this issue and find out more of what was going on and what my thoughts were. It was surprising and enlightening. Any member would be surprised to receive more than 400 responses to a survey. The responses were three to one in favour of the available technology being used for all sorts of issues, not just reproduction. The responses showed the differences in the way people thought. The response sheets contained room for comments. Some of the comments in favour of research included -

If it is going to help fight disease - why not?

I feel that if it can help disabled people it is worth pursuing.

Stem cell research has the potential to alleviate a lot of medical conditions and should be explored.

If stem cell research will bring us closer to finding cures then it must happen.

People who were against stem cell research made comments such as -

I would appreciate a very conservative view, with strict regulations against experimenting with embryos and cloning.

A total no to cloning.

Nearly all the responses showed a very strong view on the issue of cloning. Nearly every response was against cloning. It is something about which I feel very strongly. That makes it a little easier for me to express those views. I understand people's religious beliefs and different views within our society. I will not try to impose my views. I will put forward the views of my electorate, which was three to one in favour of the Bill. This issue is very personal in some members' minds and should be kept as such. I am sure members will take the views of their electorate into consideration when they vote on this Bill. I will not try to influence members.

I hope that such medical research will be able to help people who have disability problems, disease or difficulty conceiving a child. Everyone makes a personal and value judgment on this issue. Who am I to make a judgment other than through conducting a survey? I have conducted a survey and I feel comfortable with stating that I support the Bill.

MR M.P. WHITELY (Roleystone) [3.29 pm]: The pace of debate in this Parliament usually goes far too slowly for my liking, but I must say that this debate has moved uncomfortably quickly.

I praise other members for the quality and sincerity of their contributions on this issue. Some members clearly have absolute positions that are based on religious and moral philosophies, particularly on the most controversial question: what constitutes human life? Some members believe that human life comes into existence at fertilisation; others have expressed the view that there is some level of development in a 14-day-old embryo that constitutes human life; and many others - the majority - may have a view that human life does not come into existence until a later stage of development. I do not have an absolute position. Frankly, I do not know when life begins. In a sense, I wish I had a religious background - although I have a spiritual background, I do not subscribe to a particular religion - because it might make it easier to come to terms with these sorts of issues. Although my current position is that newly created embryos deserve our respect because they contain the potential for human life, they do not in themselves constitute human life. For that reason, I am broadly supportive of the aims of this legislation, but I have an open mind on some of the detail that lies within it. I will refer later to my views on some of the proposed amendments to the Bill that have been flagged.

I want to reflect on the contributions made by other members, which have been enlightening and of a high quality. The Leader of the Opposition began by calling on the Government to split the Bill. His broad argument was that he anticipated unanimous opposition in this Parliament to human cloning. I put on record my opposition to human cloning in any form. The Leader of the Opposition's call has an appeal at that level. However, I have heard counter arguments that technically it would not be easy to split the Bill. At this stage I am inclined to support the view that, if it is achievable, the Bill should be separated so that the members of this Parliament can put on record their unanimous opposition to human cloning. Having said that, I think it would be a somewhat symbolic gesture, as all members who have spoken to date have expressed that view, and other legislative protections are in place to prevent human cloning. I therefore have an open mind on the issue of splitting the Bill.

The member for Murdoch made an interesting contribution. He referred to the Human Reproductive Technology Act 1991 and, in reading the preamble to that Act, pointed out that it was clearly the intention of this Parliament in 1991 that human embryos be created only for the purpose of reproduction. I broadly support that view. I have a concern about the notion of creating excess human embryos. Although I do not believe that a one-day-old human embryo or an embryo created at the moment of fertilisation constitutes human life, I nonetheless believe it deserves respect. The notion of creating excess embryos for any purpose other than fertilisation is not one that sits comfortably with me. That was clearly the intention of the Act. That brings me to the issue of the reference in the legislation to the date of 5 April 2002, beyond which any embryos that have been created cannot be used for research. I accept that is an artificial date and there is no inherent difference between a human embryo that is created before 5 April 2002 and one created on 6 April 2002. However, at this stage I am inclined to support a moratorium on the experimentation of embryos created after that date. That mechanism would ensure that human embryos are not created for any reason other than reproduction.

The member for Murdoch made some interesting points. In one part of his speech he talked about the destruction of human embryos and in another he talked about human embryos succumbing to the elements and ceasing to have the potential for human life when they are taken out of frozen storage. In a sense, that is the heart of the ethical dilemma with which we are faced. Are they or are they not alive? My position is that embryos are not alive. Nonetheless, because they have the potential for human life, they deserve some respect. I found the member for Murdoch's description of succumbing illuminating. Is the process involved destruction or is it an inevitable process?

The member for South Perth made some interesting observations. He raised the issue of the cut-off date being 5 April 2002. The member can correct me if I am wrong. I read the member's speech on this issue, which I admit

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is the first time I have read every word of every member's speech in *Hansard*. I would like the debate to go more slowly so I could read the contributions that members make today. The member for South Perth indicated that the cut-off date of 5 April 2002 is missing from the Western Australian legislation. Technically, it is in the legislation under -

Mr P.G. Pendal: It is. I admit that I was not at my best in expressing that point. I think I know the point the member is going to make.

Mr M.P. WHITELEY: I was a bit confused at the time, but it is in the Bill under proposed sections 53ZB(3), 53ZE(1)(c) and 53ZE(3). However, the cut-off date will automatically cease on 5 April 2005, and potentially before, because of the sunset clause 53ZV, which removes that protection. I put on the record that I am inclined to think that that protection should stay in the legislation. I will support an amendment that leaves the protection in there so that it comes back to this Parliament, not because I am a "State's righter" - far from it.

Mr J.L. Bradshaw: What are you doing here then?

Mr M.P. WHITELEY: When considering issues of this seriousness and this magnitude, we should take every step cautiously. I put on the record that at this stage I am inclined to support an amendment that intends to leave the 5 April 2002 protection in place, at least until Parliament has the capacity to assess what the advancements and achievements in science have been. I indicate my support for amendments along that line.

The member for Kingsley also made a valuable contribution. She talked about what her attitude might be if her grandchildren were involved. That made me think about how we view these situations. If my children had some sort of a disease or incapacity and could potentially benefit from embryonic stem cell research, my thinking would be polarised. I would unambiguously support this legislation and enthusiastically try to have it rushed through. A person's perspective on an issue comes from his personal circumstances.

I have not taken the approach of the member for Collie. I have read the submissions of my constituents on this issue, but I have tried to come to my own position regardless of their views. I have tried to be enlightened and educated by their views, but I have applied my ethical perspective to this issue.

The member for Kingsley also raised an interesting point about the legislation banning, as I understand it, the importation of cloned embryos. She indicated that it might be valuable to extend that ban to the importation of the products of cloned embryos; that is, the genetic material contained within cloned embryos. I see some merit in the arguments presented by the member for Kingsley.

The member for Vasse had quite a different attitude from the member for Kingsley. It was illuminating. I respect the contributions of both the member for Vasse and the member for Kingsley. The members for Kingsley, Southern River and South Perth all approached this issue from the perspective that human life is created at the moment of conception. The member for Vasse took a different approach. He acknowledged that a new embryo deserves some respect because it has the potential for human life. He attempted to define life from a scientific perspective by discussing brain function and developmental phases. Although it is a worthwhile exercise, I fundamentally believe that there is something more inherent in life, and I am not sure that it can be defined in such scientific terms. Nonetheless, I believe it was a valuable contribution.

I will have more to say on this issue, and I have a lot more listening to do, as the debate proceeds. I broadly support the aims of the legislation, but also believe that we need to take a very cautious approach. Not long ago the member for South Perth provided me with a one-page "idiot sheet" outlining some of the potential amendments he has flagged. I can see merit, at least on face value, in many of these amendments, particularly the one about not using embryos created after 5 April 2002, for the reasons I have discussed. I do not want to enact anything that will encourage or facilitate the creation of embryos simply for the purpose of research. I am also inclined, at least at face value, to support the proposal that there be no embryonic testing for cosmetic purposes. Ensuring that there be no conflict of interest between IVF stakeholders and stem cell researchers is also an idea worthy of pursuing. They are three amendments that have immediate and obvious appeal to me. I have an open mind on the other five amendments flagged on this sheet. With those few comments, I congratulate all members who have made a seriously considered contribution to this debate.

MR R.A. AINSWORTH (Roe) [3.45 pm]: Any move down the road suggested by this legislation needs to be taken with extreme caution. I am not opposed in principle to the use of embryos created initially for the purpose of assisting an infertile couple to have children - the waste embryos from that process, that would not come to full life anyway - in a way that may help science to provide huge gains for children and adults suffering from the debilitating diseases for which we now have no cure. I am, however, opposed to an opening of the floodgates - as this legislation arguably allows - that would lead to embryos being produced purely for scientific research

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purposes or, as has been mentioned by other members, the cloning of humans. I do not agree with cloning in any form, of humans or any other animals.

We need to be very careful about what is able to be done under this legislation, and mindful of the fact that some of these changes are incremental. We do not go for the whole lot straight away; we change things gradually. I would hate to think that the changes we make with this legislation might lead in five or 10 years time to a relaxation of the views that this House appears to have now about the issues I have talked about. Even though I support the use of stem cells from these embryos as they exist at the moment for the improvement of our scientific knowledge and the increased availability of treatments for currently incurable diseases, if that process were to lead to legislative changes that moved right away from the acceptable extent to which this legislation goes, into the realm of horror stories, I would be much opposed to that.

The other day I was reading a work of fiction based on some factual events - the experiments undertaken on live humans during the time of the Nazi regime in Germany. Anyone who has read any of that material would be, as I was, horrified at the prospect of any medical doctor performing the kind of medical experimentation that was undertaken on those people. Even if that experimentation led to something of medical value later on, I would still be as much opposed to that as I am opposed to the possible flow-on from this legislation. We need to be very clear that what we allow under this legislation is contained, is very finite, and is controlled in a way that does not open the gates for more extreme actions that some scientists seem to wish to do now. I do not quite know why they are taking this approach in some cases, because I cannot see any benefit to humanity in allowing cloning to occur, for example. It is science for science's sake, in the case of some of the people who want to do these experiments, and that is not a reason for allowing it to go ahead. It is in fact a very good reason for not allowing it to go ahead. When it comes to experimentation on live animals and humans, a scientist needs to have a very clear and positive objective, rather than just wanting to be the first scientist to be able to say that he has cloned an animal or a human being. That in itself is not a reason to do anything, particularly when it involves life.

We need to look very closely at the amendments that other members have spoken about. I have not seen those amendments, but from what I have heard in this place over the past half an hour, those suggested amendments seem to have a lot of merit. They would go a long way towards putting the sorts of checks and balances in the legislation that I am referring to. I look forward to seeing those amendments as they come through.

What members need to bear in mind is that, from all the literature I have read, there is real potential for some significant breakthroughs in medical science through the use of stem cells of all types. I believe that embryonic stem cells are of a different nature from adult stem cells. It is for that reason that I give cautious support to this legislation. However, I insist that there be adequate constraints in the legislation so that we do not exceed the boundaries of what is ethical and reasonable.

MS K. HODSON-THOMAS (Carine) [3.50 pm]: From reading the minister's second reading speech I understand that this Bill takes into account the recommendations of the select committee which was established to look at the Human Reproductive Technology Act and which reported to this place in 1999. For the benefit of members of this place, I was a member of that select committee along with the former member for Greenough, Hon Kevin Minson, the former members for Joondalup and Kalgoorlie, Chris Baker and Megan Anwyl, and the current Minister for Community Development. I am pleased that those recommendations are finally coming to a conclusion.

It was interesting to go over that report again. It has been some four years since that committee reported. I remember how difficult it was for all committee members. We dealt with some very serious ethical and moral issues at the time. As members would no doubt know, Hon Kevin Minson is a committed Christian and he had some major concerns about the legislation, but he was also very committed to having this report reach a conclusion. I think we sat for some two years. We looked at a number of contentious issues, such as rights of access to treatment, research into the use of reproductive material, the posthumous use of reproductive material, access to donor identifying information and surrogacy, the long-term impact of reproductive technologies such as intracytoplasmic sperm injection, which is commonly known as ICSI, and pre-implantation diagnosis, which many members have spoken about today. I must admit that when I first heard about pre-implantation diagnosis, I had some concerns about it. Having said that, I agreed to all the recommendations in the select committee report. There was only one minority recommendation from the then member for Thornlie, who is the current Minister for Community Development, and the then member for Kalgoorlie. Of the other 90 recommendations, the committee had a consensus view.

Many members have spoken today about pre-implantation diagnosis, which allows infertile couples to have embryos tested with a view to ensuring that they do not carry any genetic abnormality or disease. I recently listened to a young mother who visited a number of members. Other members have actually referred to this

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young woman in their speeches. Pre-implantation diagnosis provides infertile couples with an opportunity to have an embryo tested before it is implanted. Unfortunately, this young mother could not do that in this State. Western Australia is precluded from that opportunity and, to do so, she would have to travel interstate at great expense to her and her husband. As a consequence, she has had four terminations after having the embryos implanted, which, in my view, is a tragic set of circumstances. As members know from the abortion debate, it is clear that I am opposed to abortion. That might sound contradictory but, at the same time, the opportunity should be afforded to people through assisted reproductive technology to be provided with pre-implantation diagnostic testing. I support that provision.

Although I support all of the recommendations of the select committee, I find myself in a real dilemma in terms of supporting the legislation in its entirety. There are aspects or particular clauses of the legislation that I support, but in terms of the entire legislation, I will probably vote against it in the third reading. I say that because of my concerns about excess embryos and what is proposed for stem cell research. I commend other members who have done a great deal of research and made very considered speeches in this place on this issue. It is a difficult issue to talk about. I certainly believe that embryos are, in essence, a potential life. Therefore, I find it very difficult to support any notion that stem cell research be carried out on those excess embryos. In this regard, I will find it particularly difficult to support the third reading.

I also put on record that I am opposed to cloning. Our legislation has always banned cloning. I know that a number of members have suggested to the Minister for Health that the legislation be split so that the cloning aspect of it can be dealt with separately. I am sure that all members in this place would find cloning abhorrent and I imagine there would be unanimous support in this place to oppose it. I am not sure whether the Minister for Health will take up that matter and give it serious consideration. I know he has had some discussion with a number of members and I encourage him to do that.

A number of comments have been made about stem cell research for cosmetic testing. I find that absolutely abhorrent, as, I imagine, would most members in this place. I have seen a number of the amendments being circulated to tighten up those regulations and I will most certainly be supporting them. People also need to understand that assisted reproductive technology is a highly invasive treatment. The background briefing paper that was provided to all members outlines how infertility treatment for a woman involves a course of hormone treatment to stimulate multiple egg development in her ovaries. Those eggs are then collected and fertilised and, when there is an excess of embryos, they are frozen for later use for future cycles of the treatment. As we know, frozen embryos may be thawed and implanted in the uterus of a woman for whom they are created to achieve pregnancy. The success rates for assisted reproductive technology are not always great. Certainly, our select committee looked at the success rates. I will be interested to find out what the more recent success rates are. We will seek some information on that from the Minister for Health when we go into consideration in detail.

I could refer to many of the recommendations in the report. I am not sure whether many members have taken the opportunity to read the report. It is a very good report.

Debate interrupted, pursuant to standing orders.