

THE EMBRYONIC STEM CELL DEBATE AND THE LOCKHART REPORT DILEMMA

In 2002 two new Federal Laws were enacted. They enshrined and limited the way forward Stem Cell and Human Cloning Research in Australia. These two Acts are called

* *Prohibition Of Human Cloning Act 2002 - No. 144, 2002*

* *Research Involving Human Embryos Act 2002 No. 145, 2002*

A late amendment to the Prohibition of Human Cloning Act stipulated that an independent review of the laws must be undertaken as soon as possible after the second anniversary of the assent of the Act and this must report back before the third Anniversary.

An independent review panel was duly appointed by the then Minister Responsible for Human Cloning, Julie Bishop in early 2005. The panel consulted widely : They received and discussed over 1000 submissions from the public, consulted experts and reported back to her with a suite of recommendations on 19th December 2005, which was the third anniversary of Royal Assent for the Act. The report was named the Lockhart Review in honour of the Chair of the panel John Lockhart AO QC who sadly died shortly after completing the project.

The Lockhart Report has 54 recommendations. The vast majority of these upheld the current legislation on Human Cloning and Embryonic Stem Cell Research, but a number of recommendations seek to legalise some currently restricted practices but all these recommendations are all couched within a strict regulatory framework:

- a) that any research must satisfy the criteria in the new Act,
- b) it must meet approval of the licensing committee
- c) that the resultant “embryos” must not be implanted into the body of a woman or allowed to develop for more than 14 days.

It is this last restriction that ensures cloning a whole being remains prohibited.

The use and misuse of language has become an important part of the Stem Cell debate. While the community has come to equate the word “cloning” with the creation of a whole being, in science the term also applies to creating individual cell lines that will never become a complete human or animal. Because the word is still used by scientists to describe the production of exact cell replicas people get confused about the scope of what they are talking about. On the other side some use these words specifically because they are emotive.

It is disturbing to hear statements such as the one by Minister for Health Tony Abbott in his address to the National Press Club where he said “*so-called therapeutic cloning is basically translating "Dolly the sheep"- type situations to human beings and I think that we should think long and hard before going down that path*”. This statement could be misinterpreted by the general public as implying the Lockhart report condones cloning whole beings where as in fact the panel made no recommendation to liberalise of laws that prevent cloning of complete human beings, and strongly stated their support for a continued ban on the process.

Lockhart panel member and Nobel Prize recipient Professor Barry Marshall, who addressed the National Press Club only a few weeks before the Minister, expressed his concern at the attitude apparently taken by some people towards the Review.

THE LOCKHART RECOMMENDATIONS

23 - *to permit, under licence, Somatic Cell Nuclear Transfer (often called therapeutic cloning)*

24 - *to permit, under licence, the use of animal oocytes for SNCT*

25 - *to permit, under licence, the creation of human embryos for the specific purpose of research using egg and sperm.*

26 - *to permit, under licence creation of human embryos using genetic material from more than 2 people.*

27 - *to permit, under licence, creation of embryos using precursor cells from a human embryo or foetus.*

Possibly the most significant thing this review recommends is

53 - In view of the fast-moving developments in the field, and the range of amendments proposed herein, the two Acts should be subject to a further review either six years after royal assent of the current Acts or three years after royal assent to any amended legislation

If the Lockhart review was to be, as is currently suggested, rejected totally by the Government, then this type of research will stagnate because the current Acts are silent on when, or indeed if, any further reviews should ever take place. In my view it is vital that even if all the other recommendations are rejected #53 must be accepted.

Despite being given to the Minister in December, The Lockhart Report was tabled in Parliament in February 2006 – mainly because of Summer break. But, surprisingly, there has been precious little discussion to follow its tabling, and certainly nothing in Hansard to indicate that any decisions have been made on the proposed recommendations. On 7th February 2006, Senator Natasha Stott Despoja, noted the tabling of the report and spoke in favour of the recommendations but requested to continue her comments later. On 13th June Dr Craig Emerson, ALP member for Rankin, made a speech regarding the Lockhart report noting:

If implemented, the recommendations would also allow in particular circumstances the crossing of humans and animals, the cloning of human genetic material and animal eggs, and the combining of genetic material of more than two people. Parliament will move into very dangerous territory if it seeks to redefine what constitutes human life.

Senator Emerson's comment about "crossing humans and animals" is emotive and inflammatory and not effectively true (see appendix 2). One could interpret his words as implying that the Lockhart report is recommending production of hybrid beings. This is simply not the case. While recommendation 24 does support research using animal eggs as hosts for the human somatic cell nuclear transfer it does not permit development beyond 14 days and it makes no comment about whether this research would translate into human therapeutic options. Similarly recommendation 26 does allow for the use of genetic material from multiple people. In scientific terms this could mean removing a defective gene from person A and replacing it with a healthy gene from person B, then growing a new organ to replace person A's faulty one. Whether or not this is possible or viable clinically remains to be seen but unless the research is done we will never know if such combinations may work as treatment options. Again the restrictions on development to only 14 days and no permission for implantation into a uterus are there.

Allowing the research of this type is a far cry from the licensing a therapeutic agent. Many ethics committees, safety protocols and regulatory hurdles would need to be scaled before anything was available to consumers. And this is assuming the science is discovered!

Putting this aside, the notion of mixing animal and human tissue is not new anyway. Xenotransplantation, the transplantation of cells organs or tissue from one species to another, has been practiced since the 1960's and its most commonly known form is the use of Pig heart valves in humans with defective hearts. At a different level, animal tissue is used for human therapeutics in areas like some common vaccinations, like those against influenza which are grown in chicken eggs, then injected into humans, or where oestrogen derived from horses is used to treat hormonal problems in women. Again no one is suggesting manufacture of half human half animal beings and so the importance of language is once again illustrated as playing an important role in this debate

On 20th June 2006 Hansard records that Senator Stott Despoja asked Minister for Aging and Minister responsible for Human Cloning, Santo Santoro why the government had commissioned a consultant to prepare a report on scientific advances in technology involving embryonic stem cells when it already had the Independent Lockhart Report. Senator Santoro replied that the government is "*never afraid of seeking additional opinion*" and that the government was "*still considering its response to Lockhart and will make it available at some time in the near future*"

http://parlinfoweb.aph.gov.au/piweb/TranslateWIPIlink.aspx?Folder=HANSARDS&Criteria=DOC_DATE:2006-06-20%3BSEQ_NUM:34%3B
Why do we need another report, anyway, when we have the extensive Lockhart Review ?

To date there has been no new report on Stem Cells tabled, but there has also been no real debate in either house on the Lockhart report. Various newspapers have reported that discussion has occurred in the Liberal party room and various members of Parliament, up to and including the Prime Minister, have expressed opinions publicly on The Lockhart report. The Minister responsible for Human Cloning, Santo Santoro, has not hidden his negative feelings on human cloning nor has the Minister for Health, Tony Abbott who has been loud about his blanket rejection of the Lockhart recommendations. Even the Prime Minister has made it clear he sees no need to change the current arrangements.

But how would an unchallenged sweeping rejection of a publicly funded, independent legislation review sit with the community? Concerns have already been raised about the way this report has been dealt with and murmurs are escalating about potential conflicts of interest for Ministers Abbott and Santoro with respect to their strong personal moral position vs their responsibility as Ministers to deal with the issue fairly.

Politically speaking the Lockhart Review could turn out to be dangerous territory for a government in the lead up to an election, possibly next year. Could some parliamentarians have misread the mood of the community on this debate? Have the Minister for Health, Human Cloning and even the Prime Minister overstepped their safe political bounds and by publicly rejecting this review, which is effectively the voice of the people, without holding a parliamentary vote or even any debate in the House?

Will the public see this rejection of the report a symbol of a paternalistic government? Could it become the straw to break the back of public support for this Government? Some think this issue is too specialised and narrow however, one key issue is the argument those against the research use which is that the research offers false hope and hollow promises, and that stem cells are not a panacea. They hope this view will encourage the community to side with them. But others warn that this underestimates the desire of the community to find cures for debilitating conditions like paraplegia, or treatments for epidemics like diabetes. It is well known that HOPE is vital for human existence. Keeping restrictions on this type of research, especially in the face of expert advice to the contrary, risks stifling Hope. That is a brave political path to take.

The community may interpret a rejection of the Lockhart Review as a rejection of OUR voice. They may see fit to retort with the only effective weapon they have – the good old Aussie method of controlling tall poppies - a vote at the next federal election. This reaction could be avoided by holding a conscience vote. Such an action would deflect the issue from a particular party onto individual parliamentarians and may arrive at the same outcome with less political damage.

In my opinion, the behaviour of some parliamentarians over the Lockhart review strikes at the core of democracy in this country. This Stem Cell Debate is not about science. It is all about a push towards conservatism by the moral minority. Yes, it is indisputable that the tissue in question is human, however it is a leap of faith to argue that a clump of cells, barely visible to the naked eye, which has little or no practical potential to ever become a complete human being has more rights than the those persons, real children and adults, whose suffering may be alleviated by the advances in research using them. Indeed the debate IS all about Faith. Some say it pivots on the question of when life begins. But this has been a moving target for centuries and no firm rule applies. Some propose that a debate on when these rights to life begin has could end up tracking back to before the embryo ultimately claiming rights for unfertilised oocytes or sperm to reach their potential – that they too should be preserved and not flushed

Religious doctrine is not a hard and fast thing. An example within the last decade or so is when the Catholic Church conceded that Galileo was right when he believed that the world was round and not flat as the Church of the Day insisted. Pope John Paul apologised for the suffering Galileo was forced to endure because of his beliefs. Only time will prove if the one day the same Church will be required to apologise to the potential millions of people who might have benefited from the therapeutic advances that stem cell research may have found had it been allowed to flourish.

Will those who oppose this research now feel so strongly opposed if a treatment or cure for their child's debilitating disease is discovered using stem cell research? Will their conviction remain firm enough to reject the fruits of this research if a loved one is involved? Be honest.