

## *Cloning Down Under*

An Australian Reversal on Embryo Research

The global stem cell and cloning debates have produced many odd political spectacles in the past few years, but few as peculiar as Australia's recent cloning reversal. In early December 2006, the Australian parliament lifted the nation's ban on all human cloning—a ban parliament had imposed unanimously four years ago, and which both the prime minister

and the leader of the opposition fought to retain. The new, permissive bill passed by just one vote, and some of its staunchest advocates were originally among the ban's strongest supporters.

Cloning was banned by Australia's federal government and all state and territory governments in 2002 as part of a broader effort to establish a national regulatory framework for human embryonic stem cell research. The cloning ban was accompanied by separate legislation allowing scientists to use "surplus" frozen human embryos created in IVF clinics, but prohibiting the creation of embryos purely for research purposes.

The legislation required an independent review of both laws three years after their adoption. The review board was to determine whether the law required revision in light of new developments in scientific research, ethical principles, or community standards, and then to submit its report to the federal Minister for Health.

The review was conducted in the second half of 2005 by a committee headed by retired federal court judge John Lockhart. Lockhart was not a stem cell expert, but the committee's other members were all players in Australia's stem cell debate. The committee's report was submitted to the parliament on December 19, 2005, just ten days before the cloning "breakthroughs" of Korean researcher Hwang Woo Suk were officially confirmed to be fabrications.

The Hwang fiasco might have been expected to undermine the commit-

tee's call for a sweeping liberalization of the rules, since the Korean "findings" were the only scientific advance they could point to as the urgent basis for lifting the ban on research cloning. But, unperturbed, the committee still recommended reversing the cloning ban and loosening other limits on embryo research.

In fact, the Lockhart committee's fifty-four recommendations gave cloning advocates everything they wanted, including permission to create human embryos solely for research and destruction. They even recommended permitting the creation of embryos using genetic material from more than two people and the creation of embryonic human-animal hybrids.

The committee proposed two "safeguards" on these newly permissive policies: prohibiting the implantation of any of these abnormally created embryos in a woman or animal, and permitting experimentation on these embryos only until the fourteenth day after their creation, at which point they would have to be destroyed. The committee also cynically redefined the human embryo as an entity capable of developing to the stage at which the "primitive streak" is formed—generally in the third week after conception. Because embryos cannot develop this long in vitro, the committee's novel definition makes it possible for scientists to argue that a cloned embryo created in a laboratory and not intended for implantation is never an "embryo" at all.

A few weeks after the committee presented its recommendations,

Justice Lockhart died after a short illness. Loane Skene, a University of Melbourne professor who is the ethics advisor to the pro-research cloning International Society for Stem Cell Research, then became the public face of the committee. Although the committee was formally an expert advisory group to the Minister for Health, Professor Skene actively lobbied on behalf of the report's recommendations throughout the ensuing public debate.

In July 2005, Prime Minister John Howard and Australia's federal cabinet considered the committee's recommendations and opted to leave the existing legislation in place. Normally this would have been the end of the matter, but other factors were in play.

In Australia's parliamentary system, the executive is based on a majority in the House of Representatives, and voting in parliament generally follows a strict party line. But on those rare occasions when bills deal with "matters of conscience," the parties can agree to grant their members a free vote. Typically such bills are proposed not as government measures but as a "private member's bill." This "conscience vote" option, which exists in many parliamentary democracies, was originally intended to protect people of strong, usually religious, conviction, and it has in fact helped social conservatives in Australia to cross party lines when necessary to enact important measures. But a cross-party coalition of the cultural left has also come to exploit conscience votes to neutralize

the leadership of the conservative (and in most respects pro-life) Howard government and to erode legal protections for nascent life.

Earlier in 2006, Parliament engaged in an acrimonious debate over a bill to take away the Minister for Health's authority to approve applications for the abortifacient RU-486. The current health minister, Tony Abbott, is a pro-life Catholic whom abortion advocates feared would not give permission for the use of RU-486 in Australia. Their move was successful, and paved the way for a similar strategy to reverse the cloning ban.

When the cabinet decided to retain the cloning ban, pro-cloning advocates demanded a conscience vote on the Lockhart recommendations. Uncertain of sufficient support within his own party, the prime minister consented.

The private bill that went forward, sponsored by Senator Kay Patterson, a former health minister in the government, delivered all the Lockhart committee's recommendations. But its passage was only secured by a last-minute amendment to prohibit the creation of all human-animal hybrids, except those created for the purpose of testing human sperm. Any hybrids created in this process must be destroyed after 36 hours.

The bill passed by one vote in the Senate. When it reached the House of Representatives, both Prime Minister Howard and the new leader of the opposition Labor Party, Kevin Rudd, spoke and voted against it. An attempt to amend the bill to prohibit the creation

of an embryo using eggs generated from the ovarian tissue of aborted girls or precursor cells taken from an aborted child failed, and the bill was passed by twenty votes.

The debate was attended by the usual spin, which any observer of the American battles over embryo research and research cloning would quickly recognize. Members of Parliament were told that only stem cells from cloned embryos could be therapeutically valuable; that wrapping embryonic stem cells in seaweed will prevent them from developing into tumors; that embryonic stem cell research offers a path

to a cure for Alzheimer's disease; and that the product of somatic cell nuclear transfer is not an embryo because no sperm is involved in producing it.

In his speech to Parliament on the bill, Prime Minister Howard warned that "we live in an age where we have slid too far into relativism. There must be some absolutes in our society." For now, at least, those absolutes have been weakened.

—*Michael Casey, a visiting fellow at the Ethics and Public Policy Center, is private secretary to Cardinal George Pell, the Archbishop of Sydney, Australia.*