



New South Wales

Human Reproductive Cloning and Trans-Species Fertilisation Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to prohibit the creation of living human clones and to prohibit the gestation of human embryo clones, and
- (b) to prohibit the creation, by fertilisation or a similar process, of an embryo that is a hybrid of a human and an animal and to prohibit the gestation of such a hybrid embryo.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 contains the following definitions used in the proposed Act:

- (a) an **embryo** is defined as an embryo with the potential for cell division,
- (b) a **fertilisation process** is defined so as to include a process for creating an embryo by substituting the nucleus of a cell,
- (c) a **human** is defined so as to exclude a human embryo,
- (d) a **human clone** is defined as a human that is a genetic copy of another living or dead human,
- (e) a **human embryo clone** is defined as a human embryo that is a genetic copy of a living or dead human,
- (f) a **hybrid embryo** is defined as an embryo that is a hybrid of the human species and another animal species.

For the purposes of establishing in proceedings under the proposed Act that a human or human embryo is a genetic copy it will be sufficient to establish that the set of genes in the nucleus of the human cell has been copied. It will not be necessary to establish that the copy is an identical genetic copy.

Clause 4 prohibits the intentional creation of, or attempt to create, a living human clone by a technological or other artificial process (maximum penalty: 10 years imprisonment).

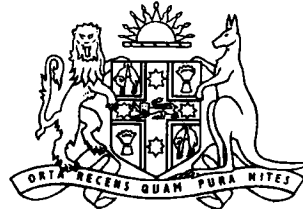
Clause 5 prohibits the placing of a human embryo clone in a human or animal for any period of gestation (maximum penalty: 10 years imprisonment).

Clause 6 prohibits the intentional creation of, or attempt to create, a hybrid embryo by a fertilisation process (maximum penalty: 10 years imprisonment).

Clause 7 prohibits the placing of a hybrid embryo in a human or animal for any period of gestation (maximum penalty: 10 years imprisonment).

Clause 8 provides that it is not a defence to proceedings brought under the proposed Act to demonstrate that the clone or embryo did not or could not survive.

In the case of an offence against the proposed Act committed by a body corporate, section 16 of the *Crimes (Sentencing Procedure) Act 1999* provides that a court may impose a maximum fine of 2,000 penalty units (currently \$220,000) as an alternative to imprisonment.



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New South Wales

Human Reproductive Cloning and Trans-Species Fertilisation Bill 2001

No , 2001

A Bill for

An Act to prohibit human reproductive cloning and human trans-species fertilisation.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Human Reproductive Cloning and Trans-Species Fertilisation Act 2001</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Definitions	7
(1) In this Act:	8
<i>embryo</i> means an embryo with the potential for cell division.	9
<i>fertilisation process</i> means the initial creation of an embryo, and includes the initial creation of an embryo by substituting the nucleus of a cell.	10 11 12
<i>human</i> does not include a human embryo.	13
<i>human clone</i> means a human that is a genetic copy of another living or dead human.	14 15
<i>human embryo clone</i> means a human embryo that is a genetic copy of a living or dead human.	16 17
<i>hybrid embryo</i> means an embryo that is a hybrid of the human species and another animal species.	18 19
(2) For the purposes of establishing in proceedings under this Act that a human or human embryo is a genetic copy:	20
(a) it is sufficient to establish that the set of genes in the nucleus of the human cell has been copied, and	21 22 23
(b) it is not necessary to establish that the copy is an identical genetic copy.	24 25
4 Human cloning—creation of living human clone	26
A person:	27
(a) who creates, or attempts to create, a human clone by means of a technological or other artificial process, and	28 29

(b) who intends to create a living human clone, is guilty of an offence. Maximum penalty: Imprisonment for 10 years.	1 2 3
5 Human cloning—gestation of human embryo clone	4
A person:	5
(a) who causes a human embryo clone to be placed in the body of a human or animal for any period of gestation, and	6 7
(b) who knows that it is a human embryo clone, is guilty of an offence. Maximum penalty: Imprisonment for 10 years.	8 9 10
6 Human trans-species fertilisation—creation of a hybrid	11
A person:	12
(a) who creates, or attempts to create, by a fertilisation process a hybrid embryo, and	13 14
(b) who intends to create a hybrid embryo, is guilty of an offence. Maximum penalty: Imprisonment for 10 years.	15 16 17
7 Human trans-species fertilisation—gestation of a hybrid	18
A person:	19
(a) who causes a hybrid embryo created by a fertilisation process to be placed in the body of a human or animal for any period of gestation, and	20 21 22
(b) who knows that it is a hybrid embryo, is guilty of an offence. Maximum penalty: Imprisonment for 10 years.	23 24 25

8 Survival of clone or embryo not relevant

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It is not a defence in proceedings for an offence under this Act that the human clone, human embryo clone or hybrid embryo (as the case requires) did not or could not survive.

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