



Australian Capital Territory

Human Cloning (Prohibition) Act 2004

A2004-21

Republication No 1

Effective: 8 April 2004 – 8 April 2004

Republication date: 8 April 2004

Last amendment made by A2004-22
(republication for new Act and amendments by A2004-22)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Human Cloning (Prohibition) Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 8 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 8 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Human Cloning (Prohibition) Act 2004

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08/04/04

Human Cloning (Prohibition) Act 2004
Effective: 08/04/04-08/04/04

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Australian Capital Territory

Human Cloning (Prohibition) Act 2004

An Act to prohibit human cloning and other unacceptable practices associated with reproductive technology

Part 1 Preliminary

1 Name of Act

This Act is the *Human Cloning (Prohibition) Act 2004*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*human embryo*—see section 7.’ means that the term ‘human embryo’ is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Object of Act

The object of this Act is to address concerns, including ethical concerns, about scientific developments in relation to human reproduction and the utilisation of human embryos by prohibiting certain practices.

7 Meaning of *human embryo*

- (1) In this Act:

human embryo means a live embryo that has a human genome or an altered human genome and that has been developing for less than 8 weeks since the appearance of 2 pro-nuclei or the initiation of its development by other means.

- (2) In working out the length of the period of development of a human embryo, any period when the development of the embryo is suspended is to be disregarded.

Part 3 Miscellaneous

24 Review of operation of Act

- (1) The Minister must review the operation of this Act as soon as practicable after the 2nd anniversary of the day the Act commences.
- (2) The review must consider and report on the scope and operation of this Act taking into account the following:
 - (a) developments in technology in relation to assisted reproductive technology;
 - (b) developments in medical research and scientific research and the potential therapeutic applications of such research;
 - (c) community standards;
 - (d) the applicability of establishing a national stem cell bank.
- (3) The review may be undertaken as part of the review mentioned in the *Prohibition of Human Cloning Act 2002* (Cwlth), section 25.

25 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Executive
- under.

excess ART embryo—see the *Human Embryo (Research) Act 2004*, section 9.

human embryo—see section 7.

woman means a female human.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Most of the provisions of this Act were relocated to the *Human Cloning and Embryo Research Act 2004* A2004-22.

Human Cloning (Prohibition) Act 2004 A2004-21

notified LR 7 April 2004

s 1, s 2 commenced 7 April 2004 (LA s 75 (1))

remainder commenced 8 April 2004 (s 2)

as amended by

**Human Cloning and Embryo Research Act 2004 A2004-22
(orig Human Embryo (Research) Act 2004) sch 1 pt 1.2**

notified LR 7 April 2004

s 1, s 2 commenced 7 April 2004 (LA s 75 (1))

sch 1 pt 1.2 commenced 8 April 2004 (s 2)

4 Amendment history**Commencement**

s 2 om LA s 89 (4)

Meaning of human embryo clone

s 8 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 7A by A2004-22 amdt 1.11

Prohibited practices

pt 2 hdg reloc to Human Cloning and Embryo Research Act 2004
A2004-22 pt 1A hdg by A2004-22 amdt 1.12

Human cloning

div 2.1 hdg reloc to Human Cloning and Embryo Research Act 2004
A2004-22 div 1A.1 hdg by A2004-22 amdt 1.12

Offence—creating human embryo clone

s 9 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 9 by A2004-22 amdt 1.12

Offence—placing human embryo clone in body of human or animal

s 10 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 10 by A2004-22 amdt 1.12

Offence—importing or exporting human embryo clone

s 11 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 11 by A2004-22 amdt 1.12

Endnotes

4 Amendment history

No defence that human embryo clone could not survive

s 12 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 12 by A2004-22 amdt 1.12

Other prohibited practices

div 2.2 hdg reloc to Human Cloning and Embryo Research Act 2004
A2004-22 div 1A.2 hdg by A2004-22 amdt 1.12

Offence—creating human embryo otherwise than by fertilisation etc

s 13 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 13 by A2004-22 amdt 1.12

Offence—creating human embryo for purpose other than achieving pregnancy

s 14 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 14 by A2004-22 amdt 1.12

Offence—creating etc human embryo containing genetic material from more than 2 people

s 15 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 15 by A2004-22 amdt 1.12

Offence—developing human embryo outside body of woman for longer than 14 days

s 16 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 16 by A2004-22 amdt 1.12

Offence—using precursor cells to create human embryo etc

s 17 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 17 by A2004-22 amdt 1.12

Offence—heritable alterations to genome

s 18 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 18 by A2004-22 amdt 1.12

Offence—collecting viable human embryo from woman's body

s 19 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 19 by A2004-22 amdt 1.12

Offence—creating chimeric or hybrid embryo

s 20 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 20 by A2004-22 amdt 1.12

Offence—placing of embryo

s 21 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 21 by A2004-22 amdt 1.12

Offence—importing, exporting or placing prohibited embryo

s 22 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 22 by A2004-22 amdt 1.12

Offence—commercial trading in human eggs etc

s 23 reloc to Human Cloning and Embryo Research Act 2004
A2004-22 s 23 by A2004-22 amdt 1.12

Dictionary

dict

def **animal** reloc to Human Cloning and Embryo Research Act
2004 A2004-22 dict by A2004-22 amdt 1.13

def **chimeric embryo** reloc to Human Cloning and Embryo
Research Act 2004 A2004-22 dict by A2004-22 amdt 1.13

def **human embryo clone** reloc to Human Cloning and
Embryo Research Act 2004 A2004-22 dict by A2004-22
amdt 1.13

def **human sperm** reloc to Human Cloning and Embryo
Research Act 2004 A2004-22 dict by A2004-22 amdt 1.13

def **hybrid embryo** reloc to Human Cloning and Embryo
Research Act 2004 A2004-22 dict by A2004-22 amdt 1.13

def **precursor cell** reloc to Human Cloning and Embryo
Research Act 2004 A2004-22 dict by A2004-22 amdt 1.13

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