

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

Standing Committee on Community Affairs

Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021

6 August 2021

PDR Number: IQ21-000194

Penalties under the legislation

Spoken

Hansard Page number: 48

Senator: Nita Green

Question:

What are the penalties under the legislation for any organisation or researcher who seeks to go outside of the prescribed exemption?

Answer:

Under the provisions of the Bill, a mitochondrial donation licence permits the licence holder to do acts that would otherwise contravene provisions of *the Prohibition of Human Cloning for Reproduction Act 2002* (PHCR Act) and the *Research Involving Human Embryos Act 2002* (RIHE Act), so long as the licence is adhered to.

Penalties for any licence holder who does not comply with the legislation in relation to these provisions are provided in the table below.

Provision in current PHCR and RIHE Acts - these will not change, and will not apply if a person holds a valid mitochondrial donation licence and adheres to the conditions of the licence		Penalty provided for by the Act
PHCR Act, s 12	Creating a human embryo for a purpose other than achieving pregnancy in a woman	Imprisonment for 15 years
PHCR Act, s 13	Creating or developing a human embryo by fertilisation that contains genetic material provided by more than 2 persons	Imprisonment for 15 years
PHCR Act, s 15	Heritable alterations to genome	Imprisonment for 15 years

PHCR Act, s 20(3)	Placing a prohibited embryo	Imprisonment for 15 years
PHCR Act, s 22	Creating a human embryo other than by fertilisation, or developing such an embryo	Imprisonment for 10 years
PHCR Act, s 23	Creating or developing a human embryo containing genetic material provided by more than 2 persons	Imprisonment for 10 years
RIHE Act, s 10	Use of excess ART embryo	Imprisonment for 5 years
RIHE Act, s 10A	Use of other embryos	Imprisonment for 5 years
RIHE Act, s 10B	Certain activities involving use of human eggs	Imprisonment for 5 years
RIHE Act, s 11	Use of embryo that is not an excess ART embryo	Imprisonment for 5 years
Additional penalties introduced by the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 (the Bill)		Penalty provided for by the Bill
RIHE Act, s 11A	In appropriate use of material created under mitochondrial donation licence	Imprisonment for 5 years
RIHE Act, s 12	Breaching a licence condition	Imprisonment for 5 years
RIHE Act, s 28R	Incorrect collection or use of information about donors and children	Imprisonment for 2 years
RIHE Act, s 28S	Non-compliance with requirement for ongoing monitoring protocols and to notify adverse events	Imprisonment for 2 years
RIHE Act, s 28T	Non-compliance with record-keeping obligations for all holders of mitochondrial donation licences	Penalties prescribed in regulations, not exceeding 50 penalty units.