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

PHCR Act,	Placing a prohibited embryo	Imprisonment for 15 years
s 20(3)	3 4 p 3 3 3 3 3 4 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7	, , , , , , , , , , , , , , , , , , , ,
PHCR Act,	Creating a human embryo other than by	Imprisonment for 10 years
s 22	fertilisation, or developing such an embryo	
PHCR Act,	Creating or developing a human embryo	Imprisonment for 10 years
s 23	containing genetic material provided by more	
	than 2 persons	
RIHE Act,	Use of excess ART embryo	Imprisonment for 5 years
s 10		
RIHE Act,	Use of other embryos	Imprisonment for 5 years
s 10A		
RIHE Act,	Certain activities involving use of human eggs	Imprisonment for 5 years
s 10B		
RIHE Act,	Use of embryo that is not an excess ART embryo	Imprisonment for 5 years
s 11		
Additional penalties introduced by the Mitochondrial		Penalty provided for by
	w Reform (Maeve's Law) Bill 2021 (the Bill)	the Bill
RIHE Act,	In appropriate use of material created under	Imprisonment for 5 years
s 11A	mitochondrial donation licence	
RIHE Act,	Breaching a licence condition	Imprisonment for 5 years
s 12		,
s 12 RIHE Act,	Incorrect collection or use of information about	Imprisonment for 5 years Imprisonment for 2 years
s 12		,
s 12 RIHE Act,	Incorrect collection or use of information about	,
s 12 RIHE Act, s 28R	Incorrect collection or use of information about donors and children	Imprisonment for 2 years
s 12 RIHE Act, s 28R RIHE Act,	Incorrect collection or use of information about donors and children Non-compliance with requirement for ongoing	Imprisonment for 2 years
s 12 RIHE Act, s 28R RIHE Act,	Incorrect collection or use of information about donors and children Non-compliance with requirement for ongoing monitoring protocols and to notify adverse	Imprisonment for 2 years
s 12 RIHE Act, s 28R RIHE Act, s 28S	Incorrect collection or use of information about donors and children Non-compliance with requirement for ongoing monitoring protocols and to notify adverse events	Imprisonment for 2 years Imprisonment for 2 years