

Queensland



CLONING OF HUMANS (PROHIBITION) BILL 2001

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TABLE OF PROVISIONS

Section	Page
1 Short title	4
2 Dictionary	4
3 Human cloning is prohibited	4
4 Human embryo clone must not be placed in human or animal body for gestation	4
5 Proving that a human or human embryo is a genetic copy	4
6 Survival of clone or embryo immaterial	4
7 Offence against this Act is a crime	5
8 Responsibility for acts or omissions of representatives	5
9 Executive officers must ensure corporation complies with this Act	5
SCHEDULE	7

DICTIONARY

2001

A BILL

FOR

An Act to prohibit human cloning

The Parliament of Queensland enacts—	1
1 Short title	2
This Act may be cited as the <i>Cloning of Humans (Prohibition) Act 2001</i> .	3
2 Dictionary	4
The dictionary in the schedule defines particular words used in this Act.	5
3 Human cloning is prohibited	6
A person must not create, or attempt to create, a human clone by way of a technological or other artificial process.	7 8
Maximum penalty—4 000 penalty units or 10 years imprisonment.	9
4 Human embryo clone must not be placed in human or animal body for gestation	10 11
A person must not cause a human embryo clone to be placed anywhere in the body of a human or animal for any period of gestation.	12 13
Maximum penalty—4 000 penalty units or 10 years imprisonment.	14
5 Proving that a human or human embryo is a genetic copy	15
To prove in a proceeding for an offence against this Act that a human or human embryo is a genetic copy—	16 17
(a) it is enough to prove that the set of genes in the nucleus of the human cell has been copied; and	18 19
(b) it is not necessary to prove that the copy is an identical genetic copy.	20 21
6 Survival of clone or embryo immaterial	22
For a proceeding for an offence against this Act it is immaterial that the human clone or human embryo clone did not or could not survive.	23 24

7	Offence against this Act is a crime	1
(1)	An offence against this Act is a crime.	2
(2)	The offender can not be arrested without warrant.	3
8	Responsibility for acts or omissions of representatives	4
(1)	This section applies in a proceeding for an offence against this Act.	5
(2)	If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to prove—	6 7
(a)	the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and	8 9 10
(b)	the representative had the state of mind.	11
(3)	An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.	12 13 14 15 16
9	Executive officers must ensure corporation complies with this Act	17
(1)	The executive officers of a corporation must ensure the corporation complies with this Act.	18 19
(2)	If a corporation commits an offence against a provision of this Act, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.	20 21 22 23
	Maximum penalty—the penalty for the contravention of the provision by an individual.	24 25
(3)	Evidence that the corporation has been convicted of an offence against a provision of this Act is evidence that each of the executive officers committed the offence of failing to ensure the corporation complies with the provision.	26 27 28 29
(4)	However, it is a defence for an executive officer to prove—	30
(a)	if the officer was in a position to influence the conduct of the corporation in relation to the offence, the officer exercised	31 32

Cloning of Humans (Prohibition) Bill 2001

- reasonable diligence to ensure the corporation complied with the provision; or 1
2
- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence. 3
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SCHEDULE	1
DICTIONARY	2
section 2	3
“executive officer” , of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.	4 5 6 7
“human” does not include a human embryo.	8
“human clone” means a human that is a genetic copy of another living or dead human.	9 10
“human embryo clone” means a human embryo that is a genetic copy of a living or dead human.	11 12
“representative” , of a person, means—	13
(a) if the person is a corporation—an executive officer, employee or agent of the corporation; or	14 15
(b) if the person is an individual—an employee or agent of the individual.	16 17
“state of mind” , of a person, includes—	18
(a) the person’s knowledge, intention, opinion, belief or purpose; and	19 20
(b) the person’s reasons for the intention, opinion, belief or purpose.	21