



Sydney Law School

Centre for
Health Governance
Law & Ethics

Regulating the Scientific Frontier

2nd Annual Conference of the
Centre for Health Governance, Law and Ethics
Faculty of Law, University of Sydney

Friday 24 November 2006

9:00am - 3:30pm

Faculty of Law,
University of Sydney
173-175 Phillip Street
Sydney



The University of Sydney

Program

8.30-9.00am Registration

9.00am **Welcome**

9.05-10.35 **Mapping the Frontier**

Chair: A/Prof Belinda Bennett, Faculty of Law, University of Sydney

Stem Cell Promises – Rhetoric and Reality

Professor John Hearn, Deputy Vice-Chancellor (International), Professor of Physiology, School of Medical Science, University of Sydney

Regulating Technological Frontiers: The Problems and Possibilities

Professor Derek Morgan, Professor of Health Law & Biomedical Innovation, Queensland University of Technology

10.35-11.00 Morning Tea

11.00-1.00 **Science, Reproduction and Choice**

Chair: A/Prof Kerry Petersen, La Trobe Law School

Law's Expanding Domain: Technology and the Late Term Foetus

Dr Kristin Savell, Faculty of Law, University of Sydney

Pre-implantation Genetic Diagnosis – Current and Future Perspectives

Dr David Cram, Director of Genetic Services, Monash IVF

Negative Enhancement: Designer Babies for the niche market in disability

Dr Isabel Karpin, Faculty of Law, University of Sydney

Regulation of Donor Conception and the Time to Tell Campaign - The ITA experience in administering world first legislation.

Ms Louise Johnson, Chief Executive Officer, Infertility Treatment Authority, Victoria

1.00-2.00 Lunch

2.00-3.30 **Molecules Matter**

Chair: Dr Ian Freckleton, Barrister, Melbourne

Identifiable Genetic Samples as Personal Information: Perspectives from Australia and the Netherlands

Ms Myra Cheng, Legal Officer, Department of Health and Ageing, Canberra

Nanotechnology: Challenges at the Smallest Frontier of Science

Dr Peter Binks, Chief Executive Officer, Nanotechnology Victoria Ltd

Regulating Small Things: Genes, Gametes and Nanotechnology

A/Professor Belinda Bennett, Faculty of Law, University of Sydney

3.30	Conference close
3.30-4.30	Launch of Ian Freckelton and Kerry Petersen (eds), <i>Disputes and Dilemmas in Health Law</i> (Federation Press, 2006).
5.00	ANZIHLE AGM Meeting for ANZIHLE Board Members

We gratefully acknowledge the support of the following sponsors:



Mapping the Frontier

Chair: A/Professor Belinda Bennett
Director, Centre for Health Governance, Law and Ethics
Faculty of Law, University of Sydney

Stem Cell Promises – Rhetoric and Reality

Professor John Hearn, Deputy Vice-Chancellor (International), Professor of Physiology, School of Medical Science, University of Sydney

John Hearn is Vice President (International) at the University of Sydney from 2006 and was Vice-President (Academic) 2004-6. He was Vice President (Research) at the Australian National University (2001-4) and Director, The Research School of Biological Sciences (1998-2001). He is a reproductive and developmental physiologist with over 170 refereed research publications and six edited books in human and animal fertility, embryo implantation, stem cell biology and biotechnology. His current research is in international higher education and research policy and the impact of biological discoveries on society. He holds the Scientific Medal of the Zoological Society of London, the Osman-Hill Medal of the Primate Society of Great Britain and the Australian Centenary Medal “for outstanding service to science and to the Australian Government as a scientific adviser.”

Awarded his PhD from the ANU in 1973 in marsupial physiology, he served as a researcher, educator and director of national and international programs, for 6-7 years each, at the Universities of Edinburgh, London UCL, Wisconsin and the ANU; and as Senior Scientific Consultant with the World Health Organisation and the World Wildlife Fund. In conjunction with these appointments, he was Director of Science of the Zoological Society of London 1980-87, Deputy Secretary of the Agricultural and Food Research Council of the UK 1987-90 and Director of the Wisconsin National Primate Research Centre 1990-96. He was elected President of the International Primatological Society (1984-8) and of the Society for Reproductive Biology (2001-4). A committed international citizen, he has directed research and institutional leadership and development programs in Kenya, Brazil, China, Thailand and India.

John Hearn is Chairman of the WHO Asia-Pacific Panel in reproductive health research and a member of the Science and Technology Advisory Group (Geneva); Chairman of the Australian Biotechnology Advisory Council to Federal Government (2002-5); Board Member of Sports Knowledge Australia and of the Institute for Biomedical Research. He served as the Scientific Adviser to the Australian House of Representatives Committee on cloning and stem cell research. He was Chairman of the ARC Biological Sciences and Biotechnology Committee; ANUTECH; the Australia-Europe Centre, Berlin; the Australian BioScience Consortium (BIOZ); and a co-founder of the Australian Centre for Intellectual Property and the Greenhouse Accounting CRC. He was a member of WHO and NIH strategic planning groups.

Regulating Technological Frontiers: The Problems and Possibilities

Professor Derek Morgan, Faculty of Law, Queensland University of Technology

Derek Morgan is Professor of Health Care Law and Biomedical Innovation at Queensland University of Technology, Brisbane. Prior to his appointment at QUT he was Professor of Health Care Law and Jurisprudence at Cardiff Law School in the UK. From 2003-05 he was Specialist Legal Advisor to the UK House of Commons Select Committee on Science and Technology report on *Reproductive Technologies & the Law*, and from 1999-2000 was a member of the Chief Medical Officer's Expert group on *Stem Cells: Medical Progress with Responsibility*. He has been a member of the British Medical Association's Medical Ethics Committee (1995-2005) and a member of the Ethics Committee of the Royal College of Physicians (2003-05). Derek is the author and editor of 8 books and over 100 articles, essays and notes, including most recently, *Constitutional Innovation: The Creation of a Supreme Court for the United Kingdom: Domestic, Comparative and International Reflections* (ed), (LexisNexis International 2004); *Human Fertilisation and Embryology: Regulating the Reproduction Revolution* (with Robert Lee, Blackstone Press 2001) and *Issues in Medical Law and Ethics* (Cavendish Publishing, 2001).

Science, Reproduction and Choice

Chair: A/Professor Kerry Petersen
La Trobe Law School

Law's Expanding Domain: Technology and the Late Term Foetus

Dr Kristin Savell, Faculty of Law, University of Sydney

Kristin Savell is a lecturer in the Faculty of Law at the University of Sydney who researches in the areas of health law, criminal law and legal theory. Her published work spans the issues of surgical separation of conjoined twins, withdrawal of treatment and sterilisation of learning disabled women. Her most recent publication is 'Sex & the Sacred: Sterilization and Bodily Integrity in English and Canadian Law' (2004) 49 *McGill Law Journal* 1093-1141.

Preimplantation Genetic Diagnosis – Current and Future Perspectives

Dr David Cram, Director of Genetic Services, Monash IVF

David Cram PhD., is currently Director of Genetic Services at Monash IVF and a Senior Research Fellow at the Monash Immunology and Stem Cell laboratories, Monash University. Major clinical research interests include genetic causes of infertility, development of genetic tests for chromosomal and gene defects in embryos, understanding the basis of embryo viability and development of embryonic stem cell models of human disease. He is also actively involved in educating genetic support groups and the community on assisted reproductive technologies and the controversial practice of pre-implantation genetic diagnosis. Over his career, he has been the author of over 60 original research papers.

Negative Enhancement: Designer Babies for the Niche Market in Disability

Dr Isabel Karpin, Faculty of Law, University of Sydney

Isabel Karpin is a Senior Lecturer in the Faculty of Law at the University of Sydney, and Deputy Director of the Centre for Health Governance, Law and Ethics. She specialises in feminist legal theory, health law, law and culture, and constitutional law. Her research has been concerned with rethinking legal and medical approaches to the body, as well as legal responses to developments in genetic technologies and the challenges posed by these new technologies to legal understandings of individuality, identity, and family. Recent publications include "The Uncanny Embryos: Legal Limits to the Human and Reproduction without Women" forthcoming in (2006) 28(4) *Sydney Law Review*; "Genetics and the Legal Conception of Self" in Roxanne Mykitiuk and Margrit Shildrick (eds), *Ethics of the Body: Postconventional Challenges*, (MIT Press, 2005) and Isabel Karpin and Belinda Bennett "Genetic Technologies and the Regulation of Reproductive Decision-Making in Australia" (2006) 14 *Journal of Law and Medicine* 127.

Regulation of Donor Conception and the Time to Tell Campaign - The ITA Experience in Administering World First Legislation

Ms Louise Johnson, Chief Executive Officer, Infertility Treatment Authority

Louise Johnson was appointed as Chief Executive Officer for the Infertility Treatment Authority (ITA) Victoria in early 2005. Louise has an honours degree in Microbiology and postgraduate qualifications in management and education. She has worked in management and public education positions in not for profit organisations in the health sector for the last twenty years. Prior to joining the ITA, Louise worked as the Executive Director for OT AUSTRALIA Victoria representing the interests of occupational therapists. Work in the health sector has encompassed the fields of occupational rehabilitation; occupational health and safety; cancer prevention and smoking cessation. Louise has developed health promotion and marketing

campaigns incorporating printed and audiovisual resource materials for health professionals, teachers, primary and secondary students and the general public.

Molecules Matter

Chair: Dr Ian Freckelton
Barrister, Melbourne

Identifiable Genetic Samples as Personal Information: Perspectives from Australia and the Netherlands

Ms Myra Cheng, Department of Health and Ageing, Canberra

Myra is a Legal Officer at the Department of Health and Ageing. She is a member of the Information Law practice group specialising in privacy law. Myra has provided research assistance at Privacy NSW, the Law and Justice Foundation, and the Faculty of Law, University of Sydney. She has presented her work at the 15th World Congress of Medical Law (Sydney, 2004) and at two Joint ABA/ANZIHLE Conferences - *Contesting Freedoms in Health Care: Policy, Practice and Ethics* (Sydney, 2004) and *Life, Death and Human Nature: Bioethics and BioLaw in the Twenty-first Century* (Brisbane, 2006). Myra is currently completing her honours thesis for the Masters of Law under the supervision of Dr Isabel Karpin. Her research interests include feminist studies, legal history and health privacy.

Nanotechnology: Challenges at the Smallest Frontier of Science

Dr Peter Binks, Chief Executive Officer, Nanotechnology Victoria Ltd

Peter Binks has been CEO of Nanotechnology Victoria, a consortium of four research organisations focussed on the commercialisation of nanotechnologies, since 2003. Peter was the 1983 Rhodes Scholar for Tasmania, and has a PhD in Theoretical Physics from Oxford University. Peter previously worked with McKinsey & Company, with BHP as General Manager at BHP's Research Laboratory in Melbourne, and with Telstra Mobile as GM Strategy and Business Development and Director of Product Marketing.

Peter is a leader in the development of Australia's nanotechnology strategy. He sits on the Advisory Board for the National Nanotechnology Taskforce, and is a prominent speaker and writer on issues of nanotechnology commercialisation, investment, education, and regulation. These include *Questions Loom Large in Nanotechnology's Tiny World*, in the *Melbourne Age* in September 2003, and *Governing the Invisible: The New Regulatory Frontiers of Nanotechnology*, October 2005. Peter has been invited to sit on the Editorial Board of *The Journal of NanoEthics*, to be launched by Springer in 2007.

Regulating Small Things: Genes, Gametes and Nanotechnology

A/Professor Belinda Bennett, Faculty of Law, University of Sydney

Belinda Bennett is an Associate Professor in the Faculty of Law, University of Sydney specialising in health and medical law. She is Pro-Dean (Teaching Programs) in the Faculty and Director of the Faculty's Centre for Health Governance, Law and Ethics. Belinda was the founding co-ordinator of the Faculty's Health Law Program, and is a former Associate Dean (Postgraduate Coursework) (2000-01), and former Director of Teaching Development (1995) in the Faculty. Belinda is a Board Member of the Australian and New Zealand Institute of Health Law and Ethics (ANZIHLE). Her research explores legal regulation of biomedicine and the interface between health law and globalisation. She is the co-editor with George Tomossy of *Globalisation and Health: Challenges for Health Law and Bioethics* (Springer, 2006) and editor of *Health, Rights and Globalisation* (Ashgate, 2006) and *Abortion* (Ashgate, 2004).

Registration Form/Tax Invoice

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I would like to attend the 'Regulating the Scientific Frontier' Conference on Friday 24 November 2006.

COST:

Registration cost includes morning tea, lunch, a copy of Ian Freckelton and Kerry Petersen (eds), *Disputes and Dilemmas in Health Law* (Federation Press, 2006) (RRP \$125), and refreshments at the book launch.

Before 6 November 2006:

Full Registration: \$185 (GST Incl.)
Full Registration (ANZIHLE Members): \$160 (GST Incl.)
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After 6 November 2006:

Full Registration: \$210 (GST Incl.)
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Please return this form to: **Centre for Health Governance Law and Ethics, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney 2000, DX 983 Sydney. Fax: (02) 9351 0200**
Email: healthlaw@law.usyd.edu.au Enquiries should be directed to Natasha McCarthy on 9351 0417

Please Note: Legal Practitioners attending this seminar will be entitled to 5 MCLE/CPD unit if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law. (MCLE/CPD units are calculated on the basis of 1 unit per 1 hour of attendance.)

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Visit the website of the Centre for Health Governance, Law & Ethics:

<http://www.law.usyd.edu.au/health/>

Or contact the coordinator of the Health Law Program, Dr Isabel Karpin on 9351 0250 or by e-mail on isabelk@law.usyd.edu.au. Alternatively, contact A/Professor Belinda Bennett on belindab@law.usyd.edu.au, or A/Professor Roger Magnusson on rogerm@law.usyd.edu.au.

ANZIHLE

The Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE)

<http://www.law.mq.edu.au/ANZIHLE/index.htm>

The Australian & New Zealand Institute of Health Law & Ethics (ANZIHLE) is an independent organisation with branches in both countries. The purpose of ANZIHLE is to promote discussion and debate, education and research at the intersection of medicine and health care, law, and ethics. ANZIHLE brings together medical practitioners, nurses, practising health lawyers and legal academics, philosophers, members of the allied health professions, representatives of government, professional bodies and consumer groups, and students.

For further information about ANZIHLE, upcoming events, and the benefits of becoming a member, please visit our webpage at <http://www.law.mq.edu.au/ANZIHLE/index.htm> or e-mail, Ms Kate McLoughlin, Executive Officer, at anzihle@mq.edu.au or phone 98507685; Fax: 98507686