

Picture: TIM CARRAFA



ROGER THE DODGER

FEDERER'S FIVE-SET THRILLER

Sport liftout

COREY UNMASKED



PARTY BOY'S FAMILY ANGUISH: LETTER TO ALL VICTORIANS

EXCLUSIVE
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DESIGNER BABY DESPAIR

Parents sue over cancer gene test gone wrong

Exclusive
FIONA HUDSON

ONE of the first Australians born from an IVF embryo screened for inherited cancer has the rogue gene the controversial tests were supposed to weed out, his parents claim.

The boy's heartbroken family has launched landmark legal action in the Victorian County Court against Monash

IVF following the alleged diagnosis. The *Sunday Herald Sun* has learned the parents are suing for damages to cover all their son's hospital and medical expenses. They also are claiming spe-

cial damages for the cost of bearing and rearing another child who does not carry the mutant gene — and they say they want compensation for emotional pain and upset.

The parents say they would have adopted a child — or had none — if scientists had not claimed they could hand-pick embryos free of the cancer gene.

Legal specialists believe the case, if successful, could result

in one the biggest medical damages payouts recorded in Australia.

The *Sunday Herald Sun* has not identified the child at the request of his parents.

It is understood the boy has not yet been told he carries the cancer gene.

His mother has a family history of the genetic disorder.

Carriers of the gene have a 50 per cent chance of passing the condition to their children.

The parents say their son was diagnosed with the gene during routine tests three months after his birth.

A writ alleges Monash IVF staff were negligent in implanting an embryo with the gene.

It also claims staff failed to conduct properly the genetic screening and failed to read accurately results of tests.

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Clash over \$7m lot

ELENI HALE Urban reporter

THE Brumby Government is considering buying a \$7 million CBD property at the heart of a race row.

The city car park in the middle of Lonsdale St's Greek precinct is owned by Asian property tycoon David Yu.

Prominent Greeks, who claim their precinct is becoming a second Chinatown, have put an ambitious plan to Premier John Brumby to compulsorily acquire Mr Yu's lot.

They want a cultural hub — featuring statues, eateries

Bid to curb race row over property

and live Greek entertainment — to replace the dingy car park.

Mayor John So, who has strong links to the CBD Chinese business community and is believed to be friends with Mr Yu, has shunned the plan.

But despite Melbourne City Council stating they had "no plans or budget allocation for

this proposal" the Brumby Government is considering the plan.

"Following extensive consultation ... there are a number of exciting projects suggested to support its expansion and beautification," a spokeswoman for Mr Brumby said.

"The recent proposal by the

Greek community will be referred to the Precincts Steering Committee as part of this process," she said.

Labor MP John Pandazopoulos is a proponent of the plan.

"Compulsory acquisition is a last resort action, but sometimes you have to choose what's best for the public over the individual," Mr Pandazopoulos said.

"You don't have to be Greek to say it would be a shame to lose the Greek precinct."

Sources said award-winning restaurateur George Calombaris is considering opening a restaurant on the space.



Dispute: The \$7m CBD car park at the centre of the row.

Parents sue over embryo

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The couple claim they had IVF only after assertions the embryos could be thoroughly checked and the mutation removed from their family line.

"During the course of the investigation of the IVF programs, the plaintiffs were advised that ... (Monash IVF) would be able to diagnose the status of all embryos prior to implantation," the writ says.

Pre-implantation genetic diagnosis, or PGD, was pioneered by Victorian scientists in 2000.

The controversial screening has been embraced by fertility clinics around the world.

It is billed as a way of reducing the incidence of deadly genetic diseases, including more than 30 inherited cancers, cystic fibrosis, deafness and blindness.

Dozens of Australian children have been born using the technique, which often triggers ethical and legal debate on whether scientists should be allowed "to play God".

The tests are carried out on an IVF embryo when it has developed eight cells.

A single cell is removed and its DNA is tested for gene mutations.

The mother who is suing produced eight IVF embryos for genetic testing.

Of the embryos tested, two were given the all-clear for implantation. The others were discarded.

"Following the diagnosis, the plaintiffs were advised by the defendant that tests undertaken prior to the implantation of the embryo resulting in the birth showed that this embryo carried the gene," the writ alleges.

"The plaintiffs will be required to pay hospital, medical and like expenses and to provide care and services that would not have been necessary in the event of him not carrying the gene.

"Further, the plaintiffs, being desirous of having a child that did not carry the gene, will incur the cost of bearing and rearing an additional child."

At the time of their son's birth, the couple said they were relieved to know their son would not suffer the gene.

That relief has turned to despair.

The couple's lawyer said his clients were too distressed to comment.

"The fact that my clients have been hurt and their son irreparably damaged is not a matter of public concern," he said.

About 50 patients a year use PGD at Monash IVF to screen embryos for genetic disease.

Latest Infertility Treatment Authority records show 17 children were born in Victoria in 2006 after having the screening.

Hundreds more children have been born around the world using the technique.

Monash IVF medical director Prof Gab Kovacs said yesterday he was unable to comment on the case because it was before the courts.

The case is listed for a directions hearing at the County Court on March 31.

Monash IVF was recently sold to the private equity arm of ABN Amro bank in a \$200 million deal.

Police lab man on drug charges

A VICTORIA Police forensic science lab employee has appeared in court on drug charges.

Scott Hurley, 37, an unsworn police member, was charged with trafficking cocaine, amphetamines, cannabis and ecstasy.

He was bailed to appear in Melbourne Magistrates' Court on March 27.

Best
of luck
Casey.



From one fan to another. Target. 100% happy