

Appendix F — Correspondence from Ministers relating to the importation of body parts and human organs for Real Bodies: The Exhibition

1. Letter received from The Hon Christian Porter MP, Attorney General, 21 August 2018.
2. Letter received from The Hon Greg Hunt MP, Minister for Health, 6 July 2018.
3. Letter received from The Hon Angus Taylor MP, Minister for Law Enforcement and Cyber Security (Former), 6 July 2018.
4. Letter received from Senator the Hon Mitch Fifield, Minister for Communications and the Arts, 3 July 2018.



The Hon Christian Porter MP
Attorney-General

MC18-005637

21 AUG 2018

The Hon Kevin Andrews MP
Chair
Human Rights Sub-Committee
Joint Standing Committee on Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear ~~Chair~~ 

Thank you for your letter of 15 June 2018 regarding the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into human organ trafficking and organ transplant tourism. I appreciate being kept apprised of the work of your Sub-Committee.

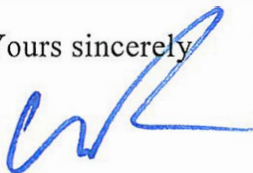
I acknowledge the Committee's concerns regarding allegations of human and organ trafficking in China and the provenance of exhibits displayed in the 'Real Bodies' touring exhibition. These allegations are indeed concerning.

While I retain administrative responsibility for the *Criminal Code Act 1995*, following recent machinery of government changes to establish the Department of Home Affairs, policy relating to the criminalisation of human and organ trafficking is the responsibility of the Minister for Home Affairs, the Hon Peter Dutton MP. I also note that policy relating to exhibitions is a matter for the Minister for Communications and the Arts, Senator the Hon Mitch Fifield, and the importation of human remains is a matter for the Minister for Health, the Hon Greg Hunt MP. I note you have also written to these ministers along similar lines.

I will, of course, consider any proposed amendments to the Criminal Code that may result from your Sub-Committee's recommendations. My department has also been working closely with other departments to consider the issues you raise and will continue to do so. Accordingly, I am grateful that you have written to me on these matters.

Thank you again for bringing your concerns to my attention.

Yours sincerely



The Hon Christian Porter MP
Attorney-General

6 JUL 2018



**The Hon Greg Hunt MP
Minister for Health**

Ref No: MC18-014374

The Hon Kevin Andrews MP
Chair
Human Rights Sub-Committee
Joint Standing Committee on Defence, Foreign Affairs and Trade
PO Box 6021
Parliament House
CANBERRA ACT 2600

6 JUL 2018

Dear Mr Andrews

I refer to your letter of 15 June 2018, on behalf of the Human Rights Sub-Committee of the Joint Standing Committee on Defence, Foreign Affairs and Trade, concerning the importation of deceased human bodies and human organs into Australia as part of the 'Real Bodies' exhibition being held in Sydney.

In regards to your concerns about the 'Real Bodies' exhibition, my Department administers the human health aspects of the *Biosecurity Act 2015* (the Act), including the bringing of human remains into Australian territory. The Minister for Foreign Affairs and Trade and Minister for Home Affairs have responsibility for human rights and the Criminal Code respectively and I understand that they will respond separately.

As set out in the *Biosecurity (Managing Human Remains) Instrument 2016*, human remains coming into Australia for display purposes require the permission of a Commonwealth Human Biosecurity Officer. In order to provide permission, a Commonwealth Human Biosecurity Officer assesses the risk of an infectious disease entering, emerging, establishing, or spreading in Australian territory due to the human remains.

I can advise that a thorough assessment of the human biosecurity risk associated with 'Real Bodies' was undertaken, and permission granted by a Commonwealth Human Biosecurity Officer. In this instance, the plastinated remains in question, do not pose a risk to public health.

I also note your ethical concerns regarding 'Real Bodies', however, this is not something that can be assessed by my Department under the Act. A Human Biosecurity Officer cannot refuse entry of remains into Australia on any grounds other than the biosecurity risk.

Senior officials from my Department, together with the Chief Executive Officer of the Australian Organ and Tissue Donation and Transplantation Authority, attended as witnesses to the Hearing of the Public Inquiry into Human Organ Trafficking and Organ Transplant Tourism, held on Friday 8 June 2018.

I would like to reconfirm the Australian Government's commitment to increasing Australia's rate of organ donation, and to reducing the number of Australians on transplant waiting lists at any given time. In Australia, as there is globally, the number of people on transplant waiting lists continues to exceed the number of available organs.

To further ensure that our health system has the capacity and capability to optimise deceased donation and transplantation opportunities the COAG Health Council at its meeting on 13 April 2018, agreed to the Commonwealth leading a review of the organ donation, retrieval and transplantation system. The purpose of the review is to identify barriers to equity of access to transplant waiting lists and transplantation services, and where there may be areas within our health system which could compromise future growth and sustainability of organ donation and transplantation outcomes.

The review, led by my Department, is being undertaken in collaboration with Australian Organ and Tissue Donation and Transplantation Authority, the states and territories and the clinical community. The outcomes of the review will inform the development of a long-term strategy for organ retrieval and transplantation which will build on the Government's ongoing national reform agenda for organ donation and transplantation.

Thank you for writing on this matter.

Yours sincerely



Greg Hunt

6 JUL 2018

cc: The Hon. Ken Wyatt AM, MP, Minister for Aged Care and Minister for Indigenous Health



**THE HON ANGUS TAYLOR MP
MINISTER FOR LAW ENFORCEMENT AND CYBER SECURITY**

MC18-011952

The Hon Kevin Andrews MP
Chair, Human Rights Sub-Committee
Joint Standing Committee on Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600

Dear Mr Andrews *Kevin*

Thank you for your correspondence of 15 June 2018 concerning the 'Real Bodies' anatomical exhibition in Sydney. Your correspondence has been referred to me as aspects of this matter fall within my portfolio responsibilities. I understand that you have also written in similar terms to the Minister for Health, the Hon Greg Hunt MP, who will respond separately.

The importation of human remains into Australia is the joint responsibility of the Department of Health and the Department of Agriculture and Water Resources. Importing human remains for purposes other than burial, cremation, scientific or research purposes (such as for display or as curios) requires the permission of a Commonwealth Human Biosecurity Officer in the Department of Health. Human remains arriving in Australia are cleared by the Department of Agriculture and Water Resources for bio-security purposes.

As outlined in the Department of Home Affairs' response to a question taken on notice (HOT/001), these items are not considered to be prohibited or restricted goods and do not require permits upon importation into Australia under the Commonwealth *Customs Act 1901* or the *Customs (Prohibited Imports) Regulations 1956*. As a result, the role of the Australian Border Force is limited to ensuring that such goods are imported correctly (for example, that cargo reporting and the tariff classification are accurate).

Human trafficking for the purpose of the removal of organs has been criminalised in Australia since 2005. Division 271 of the Commonwealth *Criminal Code Act 1995* criminalises the trafficking of persons into, from or within Australia for exploitative purposes, including for the removal of organs. This is consistent with, and fulfils Australia's international obligations under, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which supplements the *United Nations Convention Against Transnational Organized Crime*.

There is no Commonwealth criminal offence for removing or trafficking in human body parts. The actual removal of organs is regulated under state and territory laws. State and territory laws criminalise the removal of organs for the trade or sale of the organs. The investigation of state and territory crimes are a matter for state and territory law enforcement.

At this stage, the Australian Government is not actively considering acceding to the *Council of Europe Convention against Trafficking in Human Organs*.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in blue ink that reads "Angus Taylor". The signature is written in a cursive style with a large initial 'A' and a stylized 'T'.

ANGUS TAYLOR



SENATOR THE HON MITCH FIFIELD
 DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE
 MINISTER FOR COMMUNICATIONS
 MINISTER FOR THE ARTS

Ref No: MC18-005306

The Hon Kevin Andrews MP
 Chair
 Human Rights Sub-Committee
 Joint Standing Committee on Defence, Foreign Affairs and Trade
 PO Box 6021
 Parliament House
 CANBERRA ACT 2600

Dear ~~Chair~~ **Kevin**

‘Real bodies’ Exhibition

Thank you for your letter of 15 June 2018 regarding ‘Real Bodies: The Exhibition’ currently being displayed at the Byron Kennedy Hall in Moore Park, Sydney.

I am aware of the sensitivities regarding this exhibition and can advise the Human Rights Sub-Committee that my portfolio has not provided any funding, support or approvals for this exhibition, nor is it supported by, or associated with, any publicly funded gallery or museum in Australia. This is not an arts portfolio exhibition and my portfolio has no role in relation to the staging of non-arts ventures by private organisations.

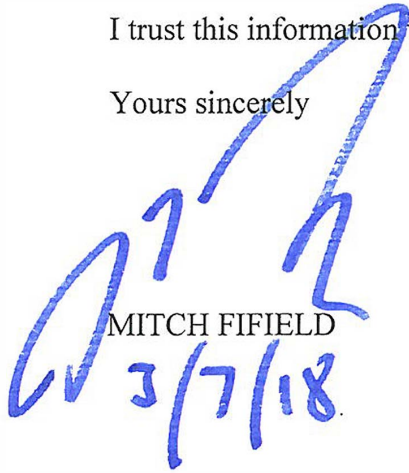
In relation to any measures, powers, or protections within my portfolio, in 2015, the Australian Government issued an Australian Best Practice Guide to Collecting Cultural Material. Whilst not a mandatory code, this guide describes the ethical and legal issues that museums, galleries and libraries should consider when they acquire or borrow cultural material. It is intended that institutions determine how best to administer or reflect acquisition and borrowing requirements for their own purposes however the guide’s Statement of Principles clearly articulates that Australian public collecting institutions should “not acquire or knowingly borrow biological or geological material that has been collected, sold or otherwise transferred in contravention of applicable national or international laws, regulations or treaties.” Should the Sub-Committee be interested in examining this guide, it is available online at www.arts.gov.au/publications/australian-best-practice-guide-collecting-cultural-material.

Most Australian galleries and museums, including the eight National Collecting Institutions within my own portfolio, are members of the International Council of Museums (ICOM), which has established a global network of museum and heritage professionals committed to establishing professional and ethical standards for museum activities.

While I am not in a position to comment on the allegations regarding the circumstances by which exhibition material for 'Real Bodies' was sourced, my portfolio remains committed to upholding the highest professional and ethical standards and Australians can have confidence that our public galleries, libraries and museums work ethically and legally to ensure their collections and exhibitions accord with best practice and are consistent with international standards.

I trust this information will be of assistance to the Committee.

Yours sincerely



MITCH FIFIELD
3/7/18

