

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2010-2011, 20 October 2010

Question: E10-064

OUTCOME 10: Health System Capacity and Quality

Topic: CLONING

Written Question on Notice

Senator Barnett asked:

- a) Has any progress been made since 17 September 2010 in establishing the independent review of the operation of the Prohibition of Human Cloning For Reproduction Act 2002 and the Research Involving Human Embryos Act 2002 each as amended by the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006 as required by Section 25A of the Prohibition of Human Cloning For Reproduction Act 2002 and by Section 47A of the Research Involving Human Embryos Act 2002 to be undertaken as soon as possible after the third anniversary of the day on which the amending Act received Royal Assent (12 December 2006)?
- b) When is it now anticipated that the composition of the committee that will conduct the review will be announced?
- c) What will be the cost of the review and how will this be funded?
- d) Is it anticipated that in accordance with the statutory requirements the persons undertaking the review will give the Council of Australian Governments and both Houses of Parliament a written report of the review before the fourth anniversary of the day on which the amending Act received the Royal Assent, that is 12 December 2010?
- e) Is it considered that a period of two months or less is sufficient for the review to be carried out in a proper manner?
- f) Please provide a detailed timetable of the steps the Minister took to ensure that the review was "undertaken as soon as possible after the third anniversary of the day on which the amending Act received the Royal Assent", that is as soon as possible after 12 December 2009.

Answer:

- a) Yes. The Minister for Mental Health and Ageing the Hon Mark Butler MP appointed The Legislation Review Committee with the approval of each state and territory.

Public submissions for the Review opened on 15 January 2011 and will close on 15 March 2011. The Committee will meet on 30 March 2011 to consider the submissions and further consultation will be held with key personnel and groups as required in April 2011.

The Legislative Review Committee is scheduled to provide its report to Minister Butler, COAG and both Houses of Parliament on 27 May 2011.

Further information on the review, including how to make a submission can be found at <https://legislationreview.nhmrc.gov.au/>

- b) The committee was appointed by Minister Butler on 21 December 2010. The members of the committee are:

The Honourable Peter Heerey QC (Chair)

Retired Judge of the Federal Court of Australia

Professor Loane Skene

Professor of Law in the Faculty of Law and an Adjunct Professor of Law in the Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne

Professor Ian Frazer

The University of Queensland Diamantina Institute

Doctor Faye Thompson

Educator in nursing and midwifery

Reverend Kevin McGovern

Philosopher and ethicist

- c) The estimated cost of the review is \$150,000. The National Health and Medical Research Council will fund the review.
- d) The Legislative Review Committee report will be provided to Minister Butler, COAG and both Houses of Parliament on 27 May 2011.
- e) Public submissions opened on 15 January 2011 and will close on 15 March 2011. This is sufficient time to conduct the review in a proper manner.
- f) On 19 August 2009, the then Parliamentary Secretary for Health the Hon Mark Butler MP, approved the proposed approach for conducting the review. On 5 November 2009, Parliamentary Secretary Butler sought nominations from states and territories for candidates to be appointed to a review committee. A list of nominations provided by the states and territories was provided to Parliamentary Secretary Butler on 1 February 2010 for his consideration. Following this, Parliamentary Secretary Butler sought further advice from the Department regarding operation of the legislation and the reviews.

Following the extended Caretaker period the Minister for Mental Health and Ageing, the Hon Mark Butler MP indicated his preference for nominees to be appointed to the review committee. On 23 November 2010, Minister Butler wrote to states and territories seeking their agreement to his proposed nominees for the review committee. On 21 December 2010, Minister Butler appointed the Legislative Review Committee with the approval of the states and territories. Public submissions opened on 15 January 2011.