

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Prime Minister and Cabinet Portfolio**

**Department of the Prime Minister and Cabinet**

Additional Estimates Hearings 2003-2004, 16 February 2004

**Question: PM 57**

**Outcome 1, Output 2.1**

**Topic: Human Cloning**

**Direct on Notice**

**Senator Harradine asked:**

**1. The DFAT representative at the November estimates hearings said that the line responsibility for advice on the position of the Government on the UN cloning treaty was with the Department of Prime Minister and Cabinet and the Department of Health and Ageing. Is that correct? Isn't this a matter which is the Attorney General's responsibility?**

**Answer:** The Department of the Prime Minister and Cabinet (PM&C) was one of the agencies which the Department of Foreign Affairs and Trade consulted on the policy issues relating to the development of a United Nations (UN) convention on human cloning. Under the Administrative Arrangement Order, DFAT has responsibility for treaties and communication with UN agencies, while AG's has responsibility for international law.

**2. Amongst the various agencies providing input – DFAT, Prime Minister and Cabinet, Attorney General's, Industry, Health and Ageing and NHMRC– none seem to be willing to be identified as providing the final advice on the position Australia should take. Did the Department of Prime Minister and Cabinet prepare the brief, assembling the input of all the agencies consulted, which outlined the Government's options on this issue and which made a recommendation as to what the position should be? If not, which agency did?**

**Answer:** It is the responsibility of each agency to brief its own minister. The Department of the Prime Minister and Cabinet briefed the Prime Minister based on information provided by other agencies.

**3. At the November estimates hearings, Ms Davidson from Prime Minister and Cabinet advised that the Belgium proposal was supported by the Government, "because we thought it had the most chance of succeeding in terms of getting in place a ban on human reproductive cloning, if not on all human cloning". When I talked to the DFAT representative in the estimates hearings a couple of days later, he stated they had not given such advice and that, "the consistent advice from our mission has been that it [the vote] is too close to call." How does the Department explain the discrepancy in accounts? Was the advice that the Department of Prime Minister and Cabinet gave to me incorrect? Was the Australian Government's position at the UN based on a misunderstanding? If so, is the position different now?**

**Answer:** Ms Davidson was referring to the likelihood of achieving a successful convention that banned human reproductive cloning, not whether a particular proposal for a mandate for the convention could achieve a pure majority of votes.

**4. Why didn't the process of formulating the government's position on this important international treaty on cloning involve the Minister responsible for human cloning at the time, Kevin Andrews?**

**Answer:** Given the need to provide timely advice to the UN post in New York, PM&C consulted with agencies including those in the Health and Ageing portfolio and provided advice to the Prime Minister on likely events at the UN in September 2003. The Prime Minister's letter to Mr Downer of 19 September 2003 was copied to Mr Andrews, as the other Minister with responsibility for these issues.

**5. I note that, in regard to the NHMRC Licensing Committee, the Council of Australian Governments is developing an Inter-Governmental Agreement and lower level bilateral agreements covering communications, the roles of the Commonwealth and the states and territories, inspectors, cost sharing and so on. I understand the draft IGA is with the COAG Secretariat. Would the Department please provide information on the progress of these agreements? Please provide a copy of each of the agreements.**

**Answer:** The Intergovernmental Agreement (IGA) has been sent out to Premiers and Chief Ministers for their signature. Once the Prime Minister and all the Premiers and Chief Ministers have signed the IGA, it will be available on the COAG website. The need for bilateral agreements will be considered once the IGA has taken effect.