

- (10) Yes, (a) The Mackay-Whitsunday NRM Group, (b) The Mackay-Whitsunday NRM Group has natural resource management planning jurisdiction over the Pioneer, Plane, O'Connell and Pioneer sub-catchments, (c) Further implementation of the Coastal Catchments Initiative is consequent on the outcomes of funding decisions, (d) Implementation of the Coastal Catchments Initiative in additional sub-catchments of the Great Barrier Reef will depend on funding allocations for 2004-05, and (e) The likely priority sub-catchments are those sub-catchments identified in the Reef Water Quality Protection Plan as representing a high risk to reef water quality.
- (11) Yes.

Immigration: People-Smuggling

(Question Nos 2658 to 2660)

Mr Rudd asked the Attorney-General, upon notice, on 23 October 2003:

- (1) Which Australian government departments and agencies are involved in working contacts with Egyptian court authorities regarding the forthcoming trial in Egypt (resuming on 25 October 2003) of the alleged people smuggler Mootaz Muhammad Hasan (aka Abu Quassey).
- (2) Is he able to confirm that the charge against Abu Quassey is the manslaughter of 350 people who drowned when their boat sank on its way from Indonesia to Australia in October 2001 as was reported by Reuters and ABC News on 7 September 2003; if not, what is the exact charge against Abu Quassey.
- (3) Is he able to confirm the report titled "Egypt court accepts Australian help" in www.news.com.au on 29 September 2003 which stated that the charge has been reduced to lesser charges of "causing death by mistake" and "aiding and abetting the entry of aliens without effective travel documents".
- (4) If the charge has been reduced, was this done at the advice of Australian authorities; if so, which authorities and for what reasons.
- (5) Is he able to confirm the reports in the Australian press on 8 September 2003 that the Australian Federal Police (AFP) offered to Egyptian prosecutors for use in the trial "a brief of evidence and witness statements gathered from the 45 survivors" from the sinking of SIEV X.
- (6) Has the AFP offered Egyptian authorities a brief of evidence and witness statements obtained from SIEV X survivors who now reside in Australia on temporary protection visas (TPV); if so, (a) how many survivors in Australia provided witness statements to the AFP, and (b) what other forms did this evidence take.
- (7) Is it the case that the Egyptian court has accepted an Australian offer of assistance to prosecute Abu Quassey.
- (8) Where is the Quassey trial taking place and will the court proceedings be held in public.
- (9) Is it the case that Australian Federal Police recently revisited some of the SIEV X survivors living in Australia and offered to take them to Egypt to testify in the Quassey trial; if so, is it also the case that the Australian government offered to cover the costs of their travel and that some survivors have accepted this offer.
- (10) Were guarantees given by Australian authorities to SIEV X survivors living in Australia that if they were to go to Egypt to testify in this trial they would be able to return to Australia after testifying; if so, do the guarantees take the form of a waiver of the conditions of their TPVs that leaving Australia for any reason would result in the automatic cancellation of their TPV.
- (11) Has he been advised that the higher the number of survivors of the SIEV X sinking who are able to testify in sworn statements or in person before the Egyptian court, the better chance the court will have to establish the facts of the case and to ensure that justice is done and seen to be done.
- (12) Has he been advised that, if there is not available to the court a body of broadly-based oral or written testimony from a large number of SIEV X survivors, the provision of oral or written testimonies from the few survivors who are currently residing in Australia will place a heavy evidentiary burden on this small number of testimonies.
- (13) Can he confirm that there are up to 78 surviving persons who are, subject to considerations of age and health, potentially available to testify in this trial.
- (14) What is the Australian Government doing to encourage and assist the Egyptian Government to establish contact with the large number of SIEV X survivors who are known to be living in other countries that accepted them as refugees.

Mr Ruddock—The answer to the honourable member's question is as follows:

- (1) The Australian Federal Police and the Department of Foreign Affairs and Trade (through the Australian Embassy in Cairo) have been involved in discussions with Egyptian prosecuting authorities about the trial of Abu Quassey in Egypt.
- (2) No, Abu Quassey has not been charged with the manslaughter of 350 people. Australia has been advised by Egypt that the charges against Quassey are:

"Firstly: Participated with others unknown, by means of aiding and abetting, to enter aliens to the territory of the state of Australia without having effective travel documents and through points of entry undesignated for that, and to that effect he agreed with those unknown persons to enter the aliens to the territory of the state of Australia by sailing them on a sea vessel to Christmas Island and aided them by supplying the necessary money and sea vessel needed for that purpose. And as a result to this agreement and support, the crime was perpetrated.

“Secondly: Caused by mistake the death (Manslaughter) of more than three persons as a result to his negligence, lack of cautiousness, and by not heeding the requirements of safety and security upon sailing a sea vessel to Christmas Island.”

- (3) The charges made against Abu Quassey in Egypt are as set out in the response to Question 2. I am not aware that the charges have been changed.
- (4) See response to question 3.
- (5) Australia has offered Egypt all assistance legally possible.
- (6) It is an offence, under section 43C of the Mutual Assistance in Criminal Matters Act 1987, to disclose any information about a mutual assistance request made to Australia. Australia has offered Egypt all assistance legally possible.
- (7) See response to question 6.
- (8) The Quassey trial is taking place before the Abdeen Court of Misdemeanours in Egypt. The court proceedings have been held in public.
- (9) No.
- (10) No.
- (11) No.
- (12) No.
- (13) There are up to 68 surviving persons who are, subject to considerations of age and health, potentially available to testify in this trial. However, the manner in which evidence is presented in Egyptian courts is a matter for the Egyptian authorities, and is not a matter over which Australia exercises any control.
- (14) The Australian Government has not been asked by the Egyptian Government to assist in establishing contact with SIEV X survivors who are known to be living in other countries that accepted them as refugees.

Office of Film and Literature Classification

(Question No. 2661)

Mr McClelland asked the Attorney-General, upon notice, on 23 October 2003:

- (1) When will decisions to classify internet content be made available on the online classification database maintained by the Office of Film and Literature Classification.
- (2) What work remains to be completed by the Government before this can occur.

Mr Ruddock—The answer to the honourable member’s question is as follows:

- (1) All decisions made by the Classification Board regarding the classification of Internet content have been made available on the online classification database maintained by the Office of Film and Literature Classification since 1 October 2003.
- (2) No work remains to be completed.

Family Court: Family and Insolvency Laws

(Question No. 2662)

Mr McClelland asked the Attorney-General, upon notice, on 23 October 2003:

- (1) Is he aware of the report in the *Sydney Morning Herald* on 16 October 2003 titled “Family Court leaves assets in wealthy wife’s name”.
- (2) Has he informed himself of the judgment referred to in this article.
- (3) What steps does he propose to take to address the issues raised in that judgment.
- (4) Will he consider these issues as part of the current review of the interaction of family law and insolvency law.

Mr Ruddock—The answer to the honourable member’s question is as follows:

- (1) Yes. On 4 November, the Family Court made a further order in this matter to publish the judgment made on 15 October, which is the judgment referred to in this *Sydney Morning Herald* article, pursuant to s 121(9)(d) of the Family Law Act 1975. The case that is referred to in this article is the case of Australian Securities Investment Commission and Rich and Rich (No. SY 5067 of 2002) (ASIC and Rich).
- (2) Yes, I have requested and received detailed advice on this decision from my Department.
- (3) The Government has prepared amendments to the Family Law Act to overcome the problems raised by the Family Court in the ASIC and Rich case in relation to the binding financial agreement provisions in the Act. These amendments passed the Parliament in the Family Law Amendment Bill 2003 on 5 December 2003 and will commence immediately on the Bill receiving the Royal Assent.
- (4) No, due to the urgency of these amendments the Government has decided to deal with these issues separately.

Education: Contributions Scheme

(Question No. 2672)

Mr Jenkins asked the Minister for Education, Science and Training, upon notice, on 3 November 2003: