Senator Lees (South Australia) asked the Minister representing the Minister for Health and Aged Care, upon notice, on 2 May 2000:

(1) Is the Minister aware that the Report of the Inquiry into the use of Pituitary Derived Hormones in Australia and Creutzfeldt - Jakob disease, released in June 1994, only implicated the Commonwealth Serum Laboratory (CSL) and not batches supplied through biomedical departments.

(2) Why did the original inquiry not look at all patients being treated with pituitary-derived hormones, especially hGH 1251, manufactured at Monash Biomedical.

(3) Why were only cases where serum was provided by CSL considered and not those produced, for instance, at Monash Bio-Medicine Department.

(4) (a) Is the Minister aware that because all patients treated were not considered, there have been no health checks on patients who did not receive serum made by CSL (for example, an application for intravenous hGH was made in 1975 by one treating doctor to the Human Pituitary Hormones Advisory Council and it was rejected, at least that was what was stated to the inquiry); and (b) why was this the case.

(5) Was the inquiry misled, as evidence shows that the intravenous use of hGH was being used as early as February 1972.

(6) Does the Minister think it is reasonable that all patients have not been treated equally?

(7) What is being done about approximately 300 `short statured boys' who in the 1970s were injected with anabolic steroids and who have not been notified that they are carriers of the P53 cancer gene and possibly 78 other side effects of being given anabolic steroids.

(8) Why was section 135A of the National Health Act 1953 not amended as recommended in the above report 6 years ago.

(9) Considering all the above mentioned problems with the initial inquiry, and the injustice faced by those people who as children were subjected to this treatment, does the Government intend to call for a further inquiry into the use of pituitary-derived hormones in Australia.

Senator Herron (Queensland) (Minister for Aboriginal and Torres Strait Islander Affairs) — The Minister for Health and Aged Care has provided the following answer to the honourable senator's question:

This matter has now been inquired into on two occasions. Once in a fully, independent inquiry headed by Associate Professor Margaret Allars and once by the Senate Community Affairs References Committee. The Allars inquiry was extremely comprehensive and dealt with all matters surrounding the human pituitary hormone program. The Community Affairs References Committee's inquiry raised a number of issues relating to the program and the Government agrees wholeheartedly with that Committee's general view that this was a tragic episode for all involved and that support must be given to those affected.

(1) Yes. The purpose of the Inquiry into the Use of Pituitary Derived Hormones in Australia and Creutzfeldt-Jakob Disease ("the Allars Inquiry") was to examine the operation of the Australian Human Pituitary Hormone Program (AHPHP) and under that program only human pituitary derived hormones processed by CSL were used. However, the Report of the Inquiry into the Use of Pituitary Derived Hormones in Australia and Creutzfeldt - Jakob disease stated that the Inquiry regarded the instances of unofficial use of both human pituitary gonadatrophin (hPG) and human growth hormone («hGH») by medical practitioners in Australia as falling within its terms of reference. Therefore, the original inquiry examined both official and unofficial use of human pituitary derived hormones and examined the history of hormone collection and processing in Australia by medical establishments as well as the CSL. The report itself covered treatment with hPG and hGH before the commencement of the AHPHP, and treatment without approval during the period that the AHPHP was in existence. It stated "This unofficial use may have occurred in the course of treatment by a medical practitioner approved to treat under the AHPHP, or treatment by a medical practitioner who did not have such approval, or treatment with hormone produced at a research centre other than CSL".

(2) and (3) See (1) above.

(4) Given the publicity that surrounded this issue in the early 1990's I would think that the majority of people who received these hormones, be it official or unofficial, are aware of the issue and have consulted their family physician. As I have already stated, the inquiry examined as fully as possible all uses of human pituitary derived hormones in Australia. Apart from the tracing efforts of the Department in locating both official and unofficial recipients of human pituitary derived hormones, the Allars Inquiry placed a number of advertisements in the national press that described the inquiry and invited written and oral submissions from interested parties. These actions helped to bring to the attention of both the inquiry and the Department a small number of people who were recipients of human pituitary derived hormones who were previously unknown. If, however, the Senator knows of anyone who may have any names of people treated with human pituitary derived hormones who have not been previously contacted on this issue the Department would like to make contact with that person. The Department would assist these people in any way possible.

(5) No, there is no evidence that anyone who appeared before it or made submissions to it misled the Inquiry. The inquiry was a fully independent one, which had bipartisan support. The reference to the intravenous use of hGH as early as February 1972 does not imply any misleading of the Inquiry as the report of the Inquiry states that use of hGH in Australia was known to have been taking place as early as 1965 and possibly as early as 1963.

(6) The Department has made every effort to ensure that recipients have been treated equitably.

(7) I am still awaiting advice from the Office of the National Health and Medical Research Council on this particular matter

(8) Section 135A of the National Health Act 1953 was amended in 1998 to insert section 5C. This section relevantly provides as follows:

(5C)This section does not prohibit:

(a) ....

(b) the divulging or communication to a person of information relating to the person: or

(c) .... '

(9) No, the Government does not propose to hold a further inquiry into this issue now or in the future. The Australian Human Pituitary Hormone Program has already been exhaustively investigated through the Allars Inquiry and the recent Senate Inquiry into the «CJD Settlement Offer.