



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

THURSDAY, 10 AUGUST 2023

CORRECTIONS

This is a **PROOF ISSUE**. Senators may suggest corrections to their own speeches within 15 non-sitting days by contacting the Hansard office

BY AUTHORITY OF THE SENATE

PROOF

**FORTY-SEVENTH PARLIAMENT
FIRST SESSION**

Governor-General

His Excellency General the Hon. David John Hurley AC, DSC, FTSE (Retd)

Senate Office Holders

President—Senator the Hon. Susan Lines

Deputy President and Chair of Committees—Senator Andrew McLachlan CSC

Temporary Chairs of Committees—Senators Allman-Payne, Bilyk, Chandler, Cox, Fawcett,
Hughes, McGrath, O'Neill, O'Sullivan, Polley, Pratt, Reynolds, Dean Smith,
Marielle Smith, Sterle, Van and Walsh

Leader of the Government in the Senate—Senator the Hon. Penny Wong

Deputy Leader of the Government in the Senate—Senator the Hon. Donald Farrell

Leader of the Opposition in the Senate—Senator the Hon. Simon Birmingham

Deputy Leader of the Opposition in the Senate—Senator the Hon. Michaelia Cash

Manager of Government Business in the Senate—Senator the Hon. Katherine Gallagher

Deputy Manager of Government Business in the Senate—Senator the Hon. Anthony Chisholm

Manager of Opposition Business in the Senate—Senator the Hon. Anne Ruston

Deputy Manager of Opposition Business in the Senate—Senator the Hon. Jonathon Duniam

Senate Party Leaders and Whips

Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong

Deputy Leader of the Labor Party in the Senate—Senator the Hon. Donald Farrell

Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham

Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Michaelia Cash

Leader of the Nationals in the Senate—Senator the Hon. Bridget McKenzie

Deputy Leader of the Nationals in the Senate—Senator Perin Davey

Leader of the Australian Greens in the Senate—Senator Larissa Waters

Chief Government Whip—Senator Anne Elizabeth Urquhart

Deputy Government Whips—Senators Raffaele Ciccone and Louise Pratt

Chief Opposition Whip—Senator Wendy Askew

Deputy Opposition Whips—Senators Paul Scarr and Matthew O'Sullivan

The Nationals Whip—Senator Ross Cadell

Australian Greens Whip—Senator Nicholas McKim

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Members of the Senate

Senator	State or Territory	Term expires	Party
Allman-Payne, Penny Jane	Qld	30.6.2028	AG
Antic, Alexander	SA	30.6.2025	LP
Askew, Wendy	Tas.	30.6.2028	LP
Ayres, Hon. Timothy	NSW	30.6.2025	ALP
Babet, Ralph	Vic.	30.6.2028	UAP
Bilyk, Catryna Louise	Tas.	30.6.2025	ALP
Birmingham, Hon. Simon John	SA	30.6.2028	LP
Bragg, Andrew James	NSW	30.6.2025	LP
Brockman, Slade	WA	30.6.2025	LP
Brown, Hon. Carol Louise	Tas.	30.6.2025	ALP
Cadell, Ross	NSW	30.6.2028	NATS
Canavan, Hon. Matthew James	Qld	30.6.2028	NATS
Cash, Hon. Michaelia Clare	WA	30.6.2028	LP
Chandler, Claire	Tas.	30.6.2025	LP
Chisholm, Hon. Anthony David	Qld	30.6.2028	ALP
Ciccione, Raffaele	Vic.	30.6.2025	ALP
Colbeck, Hon. Richard Mansell	Tas.	30.6.2025	LP
Cox, Dorinda Rose	WA	30.6.2028	AG
Davey, Perin McGregor	NSW	30.6.2025	NATS
Dodson, Patrick	WA	30.6.2025	ALP
Duniam, Hon. Jonathon Roy	Tas.	30.6.2028	LP
Farrell, Hon. Donald Edward	SA	30.6.2028	ALP
Faruqi, Mehreen Saeed	NSW	30.6.2025	AG
Fawcett, Hon. David Julian	SA	30.6.2025	LP
Gallagher, Hon. Katherine Ruth	ACT		ALP
Green, Nita Louise	Qld	30.6.2025	ALP
Grogan, Karen ⁽¹⁾	SA	30.6.2025	ALP
Hanson, Pauline Lee	Qld	30.6.2028	PHON
Hanson-Young, Sarah Coral	SA	30.6.2025	AG
Henderson, Hon. Sarah Moya	Vic.	30.6.2028	LP
Hughes, Hollie Alexandra	NSW	30.6.2025	LP
Hume, Hon. Jane	Vic.	30.6.2025	LP
Kovacic, Maria ⁽²⁾	NSW	30.6.2028	LP
Lambie, Jacqui	Tas.	30.6.2025	JLN
Liddle, Kerrynne Jeanette	SA	30.6.2028	LP
Lines, Hon. Susan	WA	30.6.2028	ALP
McAllister, Hon. Jennifer Ryll	NSW	30.6.2028	ALP
McCarthy, Hon. Malarndirri Barbara Anne	NT		ALP
McDonald, Susan Eileen	Qld	30.6.2025	NATS
McGrath, Hon. James	Qld	30.6.2028	LP
McKenzie, Hon. Bridget	Vic.	30.6.2028	NATS
McKim, Nicholas James	Tas.	30.6.2025	AG
McLachlan, Andrew Lockhart, CSC	SA	30.6.2028	LP
Nampijinpa Price, Jacinta	NT		CLP
O'Neill, Deborah Mary	NSW	30.6.2028	ALP
O'Sullivan, Matthew Anthony	WA	30.6.2025	LP
Paterson, James William	Vic.	30.6.2025	LP
Payman, Fatima	WA	30.6.2028	ALP
Payne, Hon. Marise Ann	NSW	30.6.2028	LP
Pocock, Barbara Ann	SA	30.6.2028	AG
Pocock, David Willmer	ACT		IND

Senator	State or Territory	Term expires	Party
Polley, Helen Beatrice	Tas.	30.6.2028	ALP
Pratt, Louise Clare	WA	30.6.2025	ALP
Rennick, Gerard	Qld	30.6.2025	LP
Reynolds, Hon. Linda Karen, CSC	WA	30.6.2025	LP
Rice, Janet Elizabeth	Vic.	30.6.2025	AG
Roberts, Malcolm Ieuan	Qld	30.6.2025	PHON
Ruston, Hon. Anne Sowerby	SA	30.6.2025	LP
Scarr, Paul Martin	Qld	30.6.2025	LP
Sheldon, Anthony Vincent	NSW	30.6.2025	ALP
Shoebridge, David Martin	NSW	30.6.2028	AG
Smith, Dean Anthony	WA	30.6.2028	LP
Smith, Marielle Feuerherdt	SA	30.6.2025	ALP
Steele-John, Jordon Alexander	WA	30.6.2025	AG
Sterle, Glenn	WA	30.6.2028	ALP
Stewart, Jana Naretha Anne	Vic.	30.6.2028	ALP
Thorpe, Lidia Alma	Vic.	30.6.2028	IND
Tyrrell, Tammy	Tas.	30.6.2028	JLN
Urquhart, Anne Elizabeth	Tas.	30.6.2028	ALP
Van, David Allan	Vic.	30.6.2025	IND
Walsh, Jess Cecille	Vic.	30.6.2025	ALP
Waters, Larissa Joy	Qld	30.6.2025	AG
Watt, Hon. Murray Patrick	Qld	30.6.2028	ALP
Whish-Wilson, Peter Stuart	Tas.	30.6.2028	AG
White, Linda	Vic.	30.6.2028	ALP
Wong, Hon. Penelope Ying Yen	SA	30.6.2028	ALP

Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives

Territory	Senator	Party	Senator	Party
Australian Capital Territory	Gallagher, K.R.	ALP	Pocock, D.W.	IND
Northern Territory	McCarthy, M.B.A.	ALP	Nampijinpa Price, J.Y.	CLP

⁽¹⁾ Chosen by the Parliament of South Australia to fill a casual vacancy (vice A Gallacher), pursuant to section 15 of the Constitution.

⁽²⁾ Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Molan), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
 CLP—Country Liberal Party; IND—Independent;
 JLN—Jacqui Lambie Network; LNP—Liberal National Party;
 LP—Liberal Party of Australia; NATS—The Nationals;
 PHON—Pauline Hanson's One Nation; UAP—United Australia Party

Heads of Parliamentary Departments

Clerk of the Senate—R Pye
 Clerk of the House of Representatives—C Surtees
 Secretary, Department of Parliamentary Services—R Stefanic
 Parliamentary Budget Officer—S Helgeby

ALBANESE MINISTRY

TITLE	MINISTER
Prime Minister	The Hon Anthony Albanese MP
Minister for the Public Service	Senator the Hon Katy Gallagher
Minister for Women (Vice-President of the Executive Council) (Manager of Government Business in the Senate)	Senator the Hon Katy Gallagher
Minister for Indigenous Australians	The Hon Linda Burney MP
Cabinet Secretary	The Hon Mark Dreyfus KC MP
<i>Assistant Minister to the Prime Minister</i>	<i>The Hon Patrick Gorman MP</i>
<i>Assistant Minister for the Public Service</i>	<i>The Hon Patrick Gorman MP</i>
<i>Assistant Minister for Indigenous Australians</i>	<i>Senator the Hon Malarndirri McCarthy</i>
Minister for Defence (Deputy Prime Minister)	The Hon Richard Marles MP
Minister for Veterans' Affairs	The Hon Matt Keogh MP
Minister for Defence Personnel	The Hon Matt Keogh MP
Minister for Defence Industry	The Hon Pat Conroy MP
<i>Assistant Minister for Defence</i>	<i>The Hon Matt Thistlethwaite MP</i>
<i>Assistant Minister for Veterans' Affairs</i>	<i>The Hon Matt Thistlethwaite MP</i>
Minister for Foreign Affairs (Leader of the Government in the Senate)	Senator the Hon Penny Wong
Minister for Trade and Tourism (Deputy Leader of the Government in the Senate)	Senator the Hon Don Farrell
Minister for International Development and the Pacific	The Hon Pat Conroy MP
<i>Assistant Minister for Trade</i>	<i>Senator the Hon Tim Ayres</i>
<i>Assistant Minister for Foreign Affairs</i>	<i>The Hon Tim Watts MP</i>
Treasurer	The Hon Dr Jim Chalmers MP
Minister for Small Business	The Hon Julie Collins MP
Assistant Treasurer	The Hon Stephen Jones MP
Minister for Financial Services	The Hon Stephen Jones MP
<i>Assistant Minister for Competition, Charities and Treasury</i>	<i>The Hon Dr Andrew Leigh MP</i>
Minister for Finance	Senator the Hon Katy Gallagher
Special Minister of State	Senator the Hon Don Farrell
Minister for Employment and Workplace Relations (Leader of the House)	The Hon Tony Burke MP
Minister for Skills and Training	The Hon Brendan O'Connor MP
<i>Assistant Minister for Employment</i>	<i>The Hon Dr Andrew Leigh MP</i>
Minister for Education	The Hon Jason Clare MP
Minister for Early Childhood Education	The Hon Dr Anne Aly MP
Minister for Youth	The Hon Dr Anne Aly MP
<i>Assistant Minister for Education</i>	<i>Senator the Hon Anthony Chisholm</i>

TITLE	MINISTER
Minister for Health and Aged Care (Deputy Leader of the House)	The Hon Mark Butler MP
Minister for Aged Care	The Hon Anika Wells MP
Minister for Sport	The Hon Anika Wells MP
<i>Assistant Minister for Health and Aged Care</i>	<i>The Hon Ged Kearney MP</i>
<i>Assistant Minister for Mental Health and Suicide Prevention</i>	<i>The Hon Emma McBride MP</i>
<i>Assistant Minister for Rural and Regional Health</i>	<i>The Hon Emma McBride MP</i>
<i>Assistant Minister for Indigenous Health</i>	<i>Senator the Hon Malarndirri McCarthy</i>
Minister for Climate Change and Energy	The Hon Chris Bowen MP
Minister for the Environment and Water	The Hon Tanya Plibersek MP
<i>Assistant Minister for Climate Change and Energy</i>	<i>Senator the Hon Jenny McAllister</i>
Minister for Infrastructure, Transport, Regional Development and Local Government	The Hon Catherine King MP
Minister for Communications	The Hon Michelle Rowland MP
Minister for the Arts	The Hon Tony Burke MP
Minister for Northern Australia	The Hon Madeleine King MP
Minister for Regional Development, Local Government and Territories	The Hon Kristy McBain MP
<i>Assistant Minister for Infrastructure and Transport</i>	<i>Senator the Hon Carol Brown</i>
<i>Assistant Minister for Regional Development</i>	<i>Senator the Hon Anthony Chisholm</i>
Minister for Social Services	The Hon Amanda Rishworth MP
Minister for the National Disability Insurance Scheme	The Hon Bill Shorten MP
Minister for Government Services	The Hon Bill Shorten MP
Minister for Housing	The Hon Julie Collins MP
Minister for Homelessness	The Hon Julie Collins MP
<i>Assistant Minister for Social Services</i>	<i>The Hon Justine Elliot MP</i>
<i>Assistant Minister for the Prevention of Family Violence</i>	<i>The Hon Justine Elliot MP</i>
Attorney-General	The Hon Mark Dreyfus KC MP
<i>Assistant Minister for the Republic</i>	<i>The Hon Matt Thistlethwaite MP</i>
Minister for Resources	The Hon Madeleine King MP
Minister for Industry and Science	The Hon Ed Husic MP
<i>Assistant Minister for Manufacturing</i>	<i>Senator the Hon Tim Ayres</i>
Minister for Agriculture, Fisheries and Forestry	Senator the Hon Murray Watt
Minister for Home Affairs	The Hon Clare O'Neil MP
Minister for Cyber Security	The Hon Clare O'Neil MP
Minister for Emergency Management	Senator the Hon Murray Watt
Minister for Immigration, Citizenship and Multicultural Affairs	The Hon Andrew Giles MP

Each box represents a portfolio. As a general rule, there is one department in each portfolio. However, there can be two departments in one portfolio. **Cabinet Ministers are shown in bold type.** *Assistant Ministers* in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*.

SHADOW MINISTRY

Title	Shadow Minister
Leader of the Opposition	The Hon Peter Dutton MP
Shadow Minister for Women	The Hon Sussan Ley MP
Shadow Cabinet Secretary	Senator the Hon Marise Payne
Shadow Minister for the Public Service	Senator the Hon Jane Hume
Shadow Minister for Indigenous Australians	Senator Jacinta Nampijinpa Price
<i>Shadow Assistant Minister to the Leader of the Opposition</i>	<i>Senator the Hon James McGrath</i>
Shadow Minister for Industry, Skills and Training (Deputy Leader of the Opposition)	The Hon Sussan Ley MP
Shadow Minister for Resources	Senator Susan McDonald
Shadow Minister for Climate Change and Energy	Ted O'Brien MP
<i>Shadow Assistant Minister for Manufacturing</i>	<i>The Hon Michelle Landry MP</i>
<i>Shadow Assistant Minister for Climate Change and Energy</i>	<i>Senator Hollie Hughes</i>
Shadow Minister for Agriculture (Leader of the Nationals)	The Hon David Littleproud MP
Shadow Minister for Water (Deputy Leader of the Nationals)	Senator Perin Davey
Shadow Minister for Environment, Fisheries and Forestry	Senator the Hon Jonathon Duniam
Shadow Minister for Foreign Affairs (Leader of the Opposition in the Senate)	Senator the Hon Simon Birmingham
Shadow Minister for Trade and Tourism (Deputy Manager of Opposition Business in the House)	The Hon Kevin Hogan MP
Shadow Minister for International Development and the Pacific	The Hon Michael McCormack MP
<i>Shadow Assistant Minister for Trade</i>	<i>Rick Wilson MP</i>
<i>Shadow Assistant Minister for Foreign Affairs</i>	<i>Senator Claire Chandler</i>
Shadow Attorney-General	Senator the Hon Michaelia Cash
Shadow Minister for Employment and Workplace Relations (Deputy Leader of the Opposition in the Senate)	Senator the Hon Michaelia Cash
Shadow Minister for Small and Family Business	The Hon Sussan Ley MP
Shadow Minister for Education	Senator the Hon Sarah Henderson
Shadow Minister for Regional Education	The Hon Darren Chester MP
Shadow Minister for Early Childhood Education	Angie Bell MP
Shadow Minister for Youth	Angie Bell MP
<i>Shadow Assistant Minister for Education</i>	<i>The Hon Nola Marino MP</i>
Shadow Treasurer	The Hon Angus Taylor MP
Shadow Assistant Treasurer	The Hon Stuart Robert MP
Shadow Minister for Financial Services	The Hon Stuart Robert MP
<i>Shadow Assistant Minister for Competition, Charities and Treasury</i>	<i>Senator Dean Smith</i>

Title	Shadow Minister
Shadow Minister for Government Services and the Digital Economy	The Hon Paul Fletcher MP
Shadow Minister for Science and the Arts (Manager of Opposition Business in the House)	The Hon Paul Fletcher MP
Shadow Minister for Social Services	The Hon Michael Sukkar MP
Shadow Minister for the National Disability Insurance Scheme	The Hon Michael Sukkar MP
Shadow Minister for Housing	The Hon Michael Sukkar MP
Shadow Minister for Homelessness	The Hon Michael Sukkar MP
<i>Shadow Assistant Minister for Social Services</i>	<i>Pat Conaghan MP</i>
Shadow Minister for Health and Aged Care	Senator the Hon Anne Ruston
Shadow Minister for Sport (Manager of Opposition Business in the Senate)	Senator the Hon Anne Ruston
<i>Shadow Minister for Regional Health</i>	<i>Dr Anne Webster MP</i>
<i>Shadow Assistant Minister for Mental Health and Suicide Prevention</i>	<i>Melissa McIntosh MP</i>
<i>Shadow Assistant Minister for Health, Aged Care and indigenous Health Services</i>	<i>Gavin Pearce MP</i>
Shadow Minister for Infrastructure, Transport and Regional Development (Leader of the Nationals in the Senate)	Senator the Hon Bridget McKenzie
Shadow Minister for Communications	The Hon David Coleman MP
Shadow Minister for Northern Australia	Senator Susan McDonald
Shadow Minister for Regional Development, Local Government and Territories	The Hon Darren Chester MP
<i>Shadow Assistant Minister for Infrastructure and Transport</i>	<i>Tony Pasin MP</i>
Shadow Minister for Defence	The Hon Andrew Hastie MP
Shadow Minister for Veterans' Affairs	The Hon Barnaby Joyce MP
Shadow Minister for Defence Industry	The Hon Luke Howarth MP
Shadow Minister for Defence Personne	The Hon Luke Howarth MP
<i>Shadow Assistant Minister for Defence</i>	<i>Phillip Thompson OAM MP</i>
Shadow Minister for Finance	Senator the Hon Jane Hume
Shadow Special Minister of State	Senator the Hon Jane Hume
<i>Shadow Assistant Minister for Finance</i>	<i>Senator the Hon James McGrath</i>
Shadow Minister for Home Affairs	Senator James Paterson
Shadow Minister for Cyber Security	Senator James Paterson
Shadow Minister for Emergency Management	Senator Perin Davey
Shadow Minister for Immigration and Citizenship	The Hon Dan Tehan MP
Shadow Minister for Community Safety, Migrant Services and Multicultural Affairs	The Hon Jason Wood MP
Shadow Minister for Child Protection and the Prevention of Family Violence	Senator Kerryne Liddle
<i>Shadow Assistant Minister for the Prevention of Family Violence</i>	<i>Pat Conaghan MP</i>

Each box represents a portfolio. **Shadow cabinet ministers are shown in bold type.**

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Thursday, 10 August 2023

The PRESIDENT (Senator the Hon. Sue Lines) took the chair at 09:00, made an acknowledgement of country and read prayers.

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute and a return to order as listed on the Dynamic Red.

Full details of the documents are recorded in the Journals of the Senate.

COMMITTEES

Meeting

The Clerk: Proposals to meet have been lodged as follows:

Law Enforcement—Joint Statutory Committee—public meeting today, from 9 am, to take evidence for the committee's inquiry into law enforcement capabilities in relation to child exploitation.

Legal and Constitutional Affairs Legislation Committee—public meeting on Monday, 4 September 2023, from 6 pm, to take evidence for the committee's inquiry into Australian Capital Territory (Self-Government) Amendment Bill 2023.

The PRESIDENT (09:01): I remind senators that the question may be put on any proposal at the request of any senator.

BILLS

Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023 Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator BABET (Victoria—United Australia Party Whip) (09:02): I would like to acknowledge the people of Australia whom we in this place are elected to represent to the best of our abilities. To a large extent their health and welfare rests in our hands. We must serve them first and rise above the influence of powerful corporate agendas. That's what we must do.

Today, I introduce to this place a bill that truly serves all Australians. This bill is titled the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023.

This is a bill that I should not have to introduce.

This bill, if passed by those in this place, will ensure that no future indemnities are granted by the Commonwealth to the manufacturers of vaccines in relation to the use of said vaccines.

This bill will limit financial and legal risk to the Commonwealth and aid in the restoration of trust in medicine.

Over recent years, our elected members have unfortunately undermined the trust of many citizens.

Secret deals have been done with pharmaceutical companies. We don't know the details of these deals because unfortunately transparency does not exist.

What we do know is that a key part of the contracts signed with these big pharmaceutical companies was an indemnity clause.

The Oxford dictionary defines indemnity as 'protection against damage or loss, especially in the form of a promise to pay for any damage or loss that happens'.

I guess it's easier to sign a blank cheque when you know it's 'only' taxpayer money that is at stake. This is nothing short of a betrayal.

The federal budget for 2023-24 contains multiple 'unquantifiable contingent liabilities' relating to vaccines. The unquantifiable liability stems from the fact that indemnity has been granted for the advance purchasing agreements for COVID-19 vaccines.

'It was a pandemic; we had no other choice'—that's what they will say.

But, before the Australian people accept this excuse, just hear me out for a second.

The potential liability doesn't end here. According to the 2023-24 budget papers, indemnity has also been granted in advance to a manufacturer of a smallpox and monkey pox vaccine and a particular manufacture of pandemic and pre-pandemic influenza vaccines.

This bill, as designed, does not impinge on existing contracts, but the issue of retrospectivity is something that we should investigate further should this bill be referred to committee.

Now a precedent has been set, the pharmaceutical industry has a taste of your money and they will not stop demanding indemnity unless we in this place say, 'Enough!'

Indemnification has created an incentive for risk taking in the pharmaceutical industry, which is not aligned with the fundamental principles of medicine.

Where indemnity exists, it is human nature to take larger risks, whether consciously or subconsciously. The outcomes will always be poor.

Companies work for shareholders first and it is profits that motivate their decisions and their actions.

Our nation has granted indemnity to a pharmaceutical company that is famous for setting a world record.

Unfortunately, it is not the kind of record that one would boast about.

In 2009, Pfizer forked out US\$2.3 billion for illegal promotion and false and misleading claims about drug safety and in paying kickbacks to doctors.

This included the largest ever US criminal fine at US\$1.2 billion. Pfizer was also connected to the death and permanent disability of children who participated in a critical trial in Nigeria.

We also granted indemnity to Moderna, a company which has been trading for 10 years but until the COVID-19 vaccine had never achieved a single product approval.

Contracts known to include indemnity clauses with pharmaceutical companies have been requested by the Australian Senate as recently as 22 November, but unfortunately the government voted against public disclosure of these critical documents.

The unjustified suppression of contracts in the public interest is another key driver of this important bill.

Transparency builds trust. How can the Australian people trust their government in the absence of transparency? The only solution to ensure accountability is passing this bill.

Accountability is, after all, a cornerstone of our society.

Businesses that produce goods or provide services are expected to be accountable for any adverse or unintended consequences of their products or services. When a product is faulty, for instance, it is replaced. When a service is inferior, a refund is provided.

Unfortunately, there are large and powerful entities in the pharmaceutical industry that have managed to evade accountability, and our federal government has willingly surrendered the Australian people's right to financially hold them to account.

For a vaccine to be available in Australia it must be approved by the Therapeutic Goods Administration.

The main process for distributing vaccines in Australia is through the National Immunisation Program (NIP).

Section 9B of the National Health Act 1953 allows the minister for health to provide or arrange for the provision of vaccines for distribution through the NIP.

Vaccines distributed via the NIP must all be listed on the PBS.

The purchase of vaccines occurs through the Commonwealth entering into supply arrangements (aka contracts) with the relevant pharmaceutical companies.

These arrangements would include the amount of compensation the Commonwealth is liable to pay in exchange for the vaccines and are generally subject to Commonwealth procurement rules.

The process for the purchasing of the COVID-19 vaccines varied from the normal process for purchasing vaccines for distribution through the NIP.

While the Commonwealth government has previously provided indemnities for vaccine manufacturers, this only appears to have occurred in limited circumstances.

Indemnities provided to vaccine manufacturers and sponsors became more commonplace during and post the COVID-19 pandemic, but very little is known by the general population about the specifics of said indemnities as the contracts between government and corporations have been protected as 'commercial-in-confidence'.

When transparency and accountability measures are removed from government contracts a threat emerges and the likelihood of errors, omissions and nefarious actions emerge. The trust in both medicine and government is threatened by the weakening of accountability measures.

The Public Governance, Performance and Accountability Act 2013 enables the finance minister, or their delegate, to grant indemnities on behalf of the Commonwealth.

Indemnities given by the Commonwealth create contingent liabilities. In other words they may give rise to a liability on the occurrence of a future event.

To achieve its objective, this bill amends the Public Governance, Performance and Accountability Act 2013.

That act establishes the framework for government financial accountability arrangements and includes provisions enabling the finance minister or their delegate to grant indemnities on behalf of the Commonwealth. This bill inserts a new section 61A into the PGPA Act.

To my colleagues in this chamber, I want you to think for a second and consider this in your personal life.

Let's just say that you're negotiating with a builder to construct a new home for your family. You complete your plans, specifications and selections of your floor coverings, doorknobs, and taps et cetera.

The time comes to sign the build contract. You read through the contract and it all seems fine, but then you get to the term sheet and you see the total cost for your new home. You don't see a number; you see a word, 'unquantifiable'. How many of you would sign that contract? Probably not many, if any.

Unfortunately, the same cannot be said when you are signing a contract on behalf of Australian taxpayers. You are more than willing to write a blank cheque on behalf of other people, but you would not do it yourself.

That is why I have put up this bill. I urge you to support it. I urge you to treat taxpayer money the same way that you would treat your own.

Our state and its elected representatives appear to have been captured and it's an ongoing problem.

This bill serves multiple purposes. It's not just the limiting of financial and legal risks to the Commonwealth.

As a good global citizen, it is also worth noting the potential for state capture that arises because of indemnity clauses in vaccine contracts.

Published in the *Journal of Pharmaceutical Policy and Practice* is a research paper titled: 'State capture through indemnification demands? Effects on equity in the global distribution of COVID-19 vaccines.'

This paper concludes that COVID-19 vaccine manufacturers indemnification demands constitute state capture in many low and middle-income countries.

In global pandemics, pharmaceutical companies can exert their power and coerce nations to shift their laws or policies away from the public good and towards the demands of pharmaceutical companies.

Wealthy nations, like Australia, are more capable of meeting the indemnification demands of private companies, resulting in delayed access to vaccines for lower income nations.

Indemnification has also had the unintended consequence of enhancing global vaccine inequities.

The fact is that the COVID-19 vaccines were rolled out with the support of an indemnity clause. These vaccines have unfortunately resulted in over 139,000 adverse event reports and some people have died.

Based on the recent Western Australian data from 2021, the COVID-19 vaccines had an adverse event reporting rate that is 23 times greater per dose than non-COVID-19 vaccines.

There were 264 adverse events per 100,000 doses, when compared to just 11 for non-COVID-19 vaccines.

This is unacceptable, and big pharmaceutical companies appear to be unaccountable and, quite frankly, a little bit untouchable at the moment.

This bill has been drafted in a very reasonable manner.

It honours existing commercial contracts—we cannot undo the past.

What we can do is ensure that the mistakes of the past are never repeated.

We must draw a line in the sand and regain our sovereignty over vaccine contracts.

The question of whether this bill is supported, or not, will be a test of those in this place. Do you represent the people of Australia, or will you in my opinion sell out to the big pharmaceutical companies?

Support this bill and help me in restoring our nation's trust in medicine and holding these giant global corporations to account.

Senator ANTIC (South Australia) (09:15): I rise to speak in support of the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023. In 2021, just two short years ago, the COVID-19 vaccines were rolled out to the Australian population. Supposedly, this was done to protect us from coronavirus, which had a case fatality rate of 0.16 per cent and for which the average fatality age was 86, the same fatality age as the regular seasonal flu. Of course, by 'rolled out', I mean that the vaccines were mandated by government departments in the health sector, education sector and so on, as well as in private workplaces.

Major pharmaceutical companies such as Pfizer and Moderna swiftly developed products to stop the spread. The COVID vaccines were developed far more quickly than the usual decade or so it takes to develop a vaccine; they did it in way less than two years. Their products were swiftly granted provisional approval by the Therapeutic Goods Administration and other regulators around the world. The manufacturers of these vaccines were granted indemnities from government, meaning that the companies themselves could effectively offload liability of their newly developed products to the taxpayer. Personally, I think the fact that these big pharma companies sought such indemnities in the first place suggests to us that those products may not have been as safe and effective as our health departments wanted us to believe. Indeed, this was a giant red flag for many Australians.

Many Australians were told that they had to take two doses of this quickly developed pharmaceutical product or lose their job. The manufacturers would face no legal or financial consequences should the vaccine prove defective. The recipient took all the risk, and this was justified by government departments and the media because we needed to 'Stop the spread'. I've always maintained that vaccine mandates were unjust. To me, that was just a matter of commonsense and principle. It seems obvious that the government doesn't have the right to determine what any one human being puts into their body, and getting vaccinated with any kind of vaccine is, of course, an irreversible treatment. If it turns out to be defective, you can't undo the decision. You must live with the consequences—pharmaceutical companies won't have to; you will.

Throughout that period, if one ignored the public health advice and the ludicrous media hysteria, the situation wasn't complicated. It was a matter of principle. And, as a result, many Australians opted not to receive a novel vaccine and waited to see what would happen. The indemnities granted to pharmaceutical companies were one of the many factors that rightly sparked suspicion. Had mandates not been in place, far fewer people would have received a dose at all, in my view. As time passed it became clear why big pharma wanted these indemnities in the first place: their products were not safe, and they were not effective. They did not prevent people from contracting COVID, meaning they didn't stop the spread as promised. They didn't prevent hospitalisation, and the notion that they reduced hospitalisation, a line often touted by those desperate to defend the decision in the first place, is absurd given the rates of adverse effects we are seeing now.

Anecdotally speaking, many people know at least one person who had an adverse event that wouldn't be considered minor, ranging from cardiac complications to neurological symptoms to dying suddenly, tragically. There's a lot of vaccine regret out there, I can assure you. Meanwhile, the unvaccinated in our midst seem to be doing fine. I'm not aware of one single unvaccinated person who's developed myocarditis or the so-called long COVID. I recently spoke with a young Adelaide woman by the name of Hannah, who developed a severe cardiac condition after her second dose of a COVID-19 vaccine. Her condition has permanently changed her life, whereas it's almost certain that, had she simply caught COVID, she would have been perfectly fine. In fact, she was lucky to even have her condition acknowledged as being the result of a vaccine; thankfully, it eventually was. No doubt there are countless others out there who are injured but their injury has not been acknowledged as such, given doctors face suspension for contradicting AHPRA and the TGA's position.

In a hearing before the European parliament nine months ago, a Pfizer representative admitted that Pfizer didn't know whether their product would stop viral transmission before it was rolled out around the world. Remember 'Stopping the spread'? That was the entire basis for the mandates in this country. People were told it was their moral obligation to roll up their sleeves and get the jab to save grandma. Shouldn't Pfizer have said something? They knew their product wouldn't stop transmission; I think we all know they should have.

A 2009 press release from the United States Department of Justice, titled 'Justice department announces largest healthcare fraud settlement in history', reads as follows:

American pharmaceutical giant Pfizer Inc...have agreed to pay \$2.3 billion, the largest health care fraud settlement in the history of the Department of Justice, to resolve criminal and civil liability arising from the illegal promotion of certain pharmaceutical products, the Justice Department announced today.

[Pfizer] has agreed to plead guilty to a felony violation of the Food, Drug and Cosmetic Act for misbranding Bextra with the intent to defraud or mislead... Pfizer promoted the sale of Bextra for several uses and dosages that the FDA specifically declined to approve due to safety concerns. The company will pay a criminal fine of \$1.195 billion, the largest criminal fine ever imposed in the United States for any matter.

It goes on, but you get the point. Pfizer paid what was, at the time, the largest fine in criminal history. That's a criminal fine; not a fine for simple negligence, but for deliberate fraud.

Pfizer promoted their drugs as having health outcomes they didn't have and had been made for conditions they were not approved for, putting users of their products at risk. However, nobody from Pfizer ever faced any real punishment for their actions. They can just factor those fines into the budget line of hundreds of billions of dollars, continue to donate to major media outlets and move on.

The COVID emergency was the perfect opportunity. In 2022, Pfizer enjoyed a record \$100 billion in sales. These companies can afford the hit their reputation takes, and they still make a profit in the end. It's absurd and unjust that Australians were coerced and pressured into taking these products while the manufacturers were indemnified by the government, therefore, you and me. Some other members of parliament, along with myself, have sought to have the agreement between pharmaceutical companies and the government disclosed to the public, but that motion was voted down by Labor and the Greens, the great champions of transparency! They don't want transparency, after all.

Furthermore, as I and others have spoken about in this chamber before, there has been a massive increase in excess death rates, not only in Australia but across the world, after the vaccines were distributed. I think it's quite reasonable to suspect that the drastic increase in death rates—which was 15.3 per cent throughout 2022 in Australia—is being driven, at least in part, by the COVID-19 vaccines. These vaccines are the obvious factor that was not present before 2021 when the increase in deaths began. Yet, the major pharmaceutical companies face absolutely no scrutiny on the issue. Given what we're hearing from the World Health Organization, there will be future pandemics to prepare for, so let's prevent those pharmaceutical companies from developing more products for use on the Australian population. Removing the option of indemnities means that they won't be able to get away with developing drugs, such as these poor performing drugs, with no financial consequences, or at least not as easily.

Big pharma must face some consequences and bear some responsibility if they end up causing harm to Australians in the event of a future emergency, lest they manipulate and exploit the situation to their own advantage, as, in my view, appears to have been done here. Ideally, I'd prefer that we simply never, ever have vaccine mandates again, but legislation that would have protected Australians from mandates has also been voted down multiple times in this place because, strangely enough, Labor and the Greens reject the principle of my body, my choice.

Throughout COVID, and indeed for many years now, big pharma has been generating scandal after scandal, injury after injury and paying fine after fine. Yet, they never face any meaningful consequences because they can simply factor in their inevitable payouts as a budget line item.

The Australian government and the health departments cannot be beholden to the whims of big pharmaceutical companies. There must be an understanding that, as wonderful and effective as some of their products are in treating illness, disease and relieving pain, they are for-profit corporations that have literally paid billions and billions of dollars in criminal fines over the years. These pharmaceutical companies, it seems, were able to strongarm some governments into buying ludicrous amounts of their products because it was apparently a major emergency. Governments wanting to get vaccines into the arms of their citizens as quickly as possible awarded indemnities to these companies and deferred any consequences of all of the hasty actions until a later date. That later date has arrived. We're now living in the fallout of what, from beginning to end, was a disaster. People were saying all of the things that are now coming to light about the vaccines and lockdowns from the very beginning. They were utterly vilified for defying the narrative. Don't forget that. We can't allow big pharma to exert this kind of leverage and pressure on governments again. We should not be beholden to these companies. They should have severe financial consequences, to say the least, for the products they've made should they turn out to be defective.

I support this bill. I commend Senator Babet for introducing it. I hope that others, and particularly others in this place that have a history of standing up, so-called, to the big pharma companies—I'm looking at the Australian Greens in particular—live up to what they're talking about and support this bill.

Senator ROBERTS (Queensland) (09:25): As a servant to the many different people who make up our one Queensland community, I speak in support of the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023, because with indemnity comes impunity, and this parliament needs huge doses of accountability to change it from exploiting the people and return it to serving the people.

The main process for distributing vaccines in Australia is through the National Immunisation Program. Section 9B of the National Health Act 1953 allows the minister for health to provide, or arrange for the provision of, injections for distribution through the National Immunisation Program. Injections distributed via the National Immunisation Program must be listed on the Pharmaceutical Benefits Scheme. The purchase of injections occurs through the Commonwealth entering into supply contracts with the relevant pharmaceutical companies. These arrangements would include the amount of compensation the Commonwealth is liable to pay in exchange for the injections and are generally subject to the Commonwealth Procurement Rules.

During COVID, the Liberal government, with the full support of the Labor opposition and the Greens, simply tore up the rule book. Pfizer were given a blanket immunity. Pfizer knew, when the injection was being developed and tested, that they had a blanket immunity. What could go wrong? Firstly, accountability is shredded. The outcome of this ill-considered decision was an excess mortality rate in Australia of 27 per cent above normal since the 'fakecines' were rolled out. Most likely 30,000 Australians will die this year from side effects of our COVID response, including the injectables. Did they really think Pfizer, a multinational pharmaceutical company with an

appalling track record, would suddenly turn into a model corporate citizen when asked to produce the COVID injections? Did you?

Prior to COVID, Pfizer had been fined US\$3 billion for criminal acts. They are a habitual offender, persistently engaging in illegal and corrupt marketing practices, bribing physicians and suppressing adverse trial results. We know Pfizer suppressed bad trial data in the COVID trials, fabricated results, excluded test subjects that became sick and failed to test for a full range of adverse effects. They did this knowingly. The 'fakecines' were then manufactured in a shoddy fashion and did not use good manufacturing process as they were supposed to and as every other product approved in Australia must.

Live DNA derived from *E. coli* used in production has been found in large quantities in the Pfizer product—up to a billion strands or parts of strands in every dose. Huge variations between batches suggest huge variations in manufacturing quality. I say 'suggest' because we have no idea what is actually in these products, because the TGA accepts batch testing from the manufacturer and has not conducted the testing on each batch as it arrives. It has not conducted the testing. The TGA took the US FDA's word for the results of the stage 2/3 clinical trials, and the FDA took Pfizer's word for it. We're relying on Pfizer's word for these.

To give a product immunity, the TGA should have thoroughly tested these injections, not looked the other way. We have no idea what harm these products will eventually cause, because there was no long-term safety testing conducted—none. Why would they spend that money when they already had the immunity? That's what immunity has done to them—more profit for Pfizer, more money in the pocket for CEO Albert Bourla, who banked US\$30 million in salary and bonuses last financial year. Overall, Pfizer sold \$36 billion in COVID products in 2022, pushing Pfizer to a record \$100 billion in sales. I am slightly encouraged to see their share price is down 40 per cent from the peak of 2021, and projected revenue in 2023 is down 80 per cent.

While Pfizer made out like the fraudulent bandits they are, the Australian taxpayers are on the hook for who knows how much. The budget papers are required to show every potential liability the government has. There is an entry for our liability under the COVID products, yet they have not quantified it. You have not quantified it; there's no figure there. That can't continue. This liability will run into the billions. Australia needs this bill from Senator Babet to make sure no greedy, dishonest, opportunistic pharmaceutical company is allowed to get away with financial murder again. Australia needs this bill to make sure that no inhuman monster like the former health minister Greg Hunt, like the former prime minister Scott Morrison, like premiers Palaszczuk, McGowan and Andrews, is allowed to get away with malfeasance forcing experimental gene therapy based injections leading to tens of thousands of deaths, tens of thousands of people permanently crippled for life and hundreds of thousands of people injured, and uncounted people in mourning. Those are the nuts and bolts.

Now we go to the morality because governments cannot be trusted. With immunity, comes impunity. The simple reason for lack of accountability is the hiding of government actions through indemnities. Firstly, my position on medications including injections: we all want safe treatment. We are all pro-medicine. We all want that each of us decides what is put into our body—my body, my choice. We all want freedom to make our choice and for our choice to be accepted and respected. We all wholeheartedly support medicines that are fully tested and proven safe, effective, affordable and accessible. I am opposed to untested drugs, forcing untested experimental injections on to people, forcing untested experimental injections on to people with the only alternative being to lose one's livelihood or let your children starve. How could any human allow this to happen?

How could any human allow this to happen, yet you did. Then in your shame, your cowardice, your guilt, the best you could do to those of us who stood up to this inhuman, monstrous and at times murderous madness was to call us 'anti-vaxxers'. Pathetic—labels are the refuge of the ignorant, the incompetent, the dishonest, the guilty and the fearful, name-calling as you sling words at us for protecting innocent good people. But your vilification means nothing to us because we go for the truth. I oppose coercion, I oppose mandates, I oppose confidentiality hiding details from taxpayers. These untested injections from Pfizer, Moderna and AstraZeneca were forced on people using lies. Daily for two weeks former prime minister Morrison said, 'There are no vaccine mandates in Australia.' That was a lie, a murderous lie killing 30,000 Australians annually in excess deaths above normal. Worse, the Morrison-Hunt duo enabled and drove the injection mandate. Here is how: the Morrison-Hunt duo bought the injections. The Morrison-Hunt duo gave them to the states. The Morrison-Hunt duo indemnified the states. The Morrison-Hunt duo made federal health department data available to the states.

That was the only way the states could enforce their mandates, which really were driven by the Morrison-Hunt duo. State premiers admitted their vaccine mandates were in line with the bogus so-called 'National Cabinet', which was headed by Scott Morrison. The Morrison federal government mandated injections in Defence, the Australian Electoral Commission, aged care, the Australian Federal Police and others, but there are no vaccine mandates in Australia, he said. Then on Tuesday, I spoke about the Medical Countermeasures Consortium, which drove the whole lot, the four nations' defence departments, from Canada, America, Britain and Australia. This was planned

and delivered, and Pfizer did the work on behalf of the American Department of Defense. That's why it bypassed the testing. Now we have 30,000 excess deaths That's the equivalent to two Boeing 787 Dreamliner crashes every week for a year—every week for a year! Yet we have Queensland nurses still suspended. Foreign nurses are being recruited by Premier Palaszczuk to take their jobs. Then she's told us repeatedly for the last three years, 'The health system is crashing.' Disgraceful, inhuman. The police are mandated, and they've lost many. The teachers have been mandated, and, when they finally lifted the mandate, many of them didn't come back. We found children were crippled, affected. The teachers were fined. Doctors were mandated and many have left the profession. How can Australia put up with that? That's going to hurt the patients. The pilots were mandated and the Civil Aviation Safety Authority, CASA, cares not a bit. It's wilfully blind, it's misfeasance and it's betraying passenger air safety.

In a shining light, the Australian Firefighters Alliance was formed because their union would not stand up for them. Many unions went rogue and did not stand up for their members. The Australian Firefighters Alliance resisted. They developed, from the very start, a defensive strategy and an offensive strategy and that's the only one that Premier Palaszczuk did not mandate. It's based on a false premise. Livelihoods and lives have been destroyed.

We had the absurdity of the drugs failure, the vaccine failure, the injections failure being falsely blamed on the people who didn't take it. Indemnities encourage impunity and rogue behaviour, irresponsible behaviour, destructive behaviour, cruel, monstrous, inhuman behaviour. Indemnities destroy accountability because everything is hidden, and indemnities are given. There's no problem disclosed and so there's no compensation. Millions of people suffer in silence and this Labor government perpetuates the misery, the deceit.

Rapper Zuby, in a very well-delivered address in 2022 at CPAC observed that most politicians don't care if people die—and he is correct. Most politicians don't care if people die. There's no royal commission. There's no Senate inquiry. There's no access to contracts—they're commercial-in-confidence we're told. Years after they were signed, they're still commercial-in-confidence. Taxpayers paid for injections, yet we cannot see what we paid for. We can't even see how much we paid. Censorship. What are they hiding? Bill Gates paid for censorship in the mouthpiece Big Brother media that is often owned by the same people who own Pfizer. Bill Gates paid for censorship across social media. Gates is an investor in big pharma—a massive investor in big pharma—and a massive contributor to the World Health Organization, the UN's World Health Organization.

I hold the whole Senate accountable, the whole Senate, apart from six senators withstanding the catcalls. At last Thursday's Senate inquiry into antidiscrimination bills—one of which was moved by Senator Hanson and another one by Senator Canavan, Senator Antic and Senator Rennick—four of the five senators grilling Pfizer, Moderna and the TGA were from Queensland. Four, plus Senator Antic. Pfizer did not know where to go. Clearly Pfizer, Moderna and the TGA all disgraced themselves and showed themselves to be inhuman. Clearly none feel accountable for the deaths, the chronic and crippling injuries, the severe injuries—not federal government or its health departments, not the state premiers or their health departments, not employers mandating injections. No-one takes accountability. We will chase you until you are held accountable.

We've had airline employees taken to hospital and then returned and Qantas insisted they be injected. There are too many other stories there; I won't go into them. But we see people awakening. We see the situation has created heroes: Hoody, Maria Zee, Chris Spicer and many, many more from the independent people's media; doctors who formed the Australian Medical Professionals Society; Dr William Bay, and he is a doctor; nurses like Dee; firies like Dan; police like Krystal; paramedics like Peter; doctors like Camillo; pilots like Alan; and thousands of construction workers and other workers. You've woken the people up. Thank you so much for being our heroes. Here and globally, you're wakening people up.

When indemnities are granted, especially in secret, accountability is removed, and you in this Senate, in this parliament, have demonstrated that repeatedly. You've confirmed it. All who oppose this bill will be voting to continue the needless deaths and lies. This bill will prevent recurrence. Ending indemnity will end impunity. It will contribute to restoring accountability. Transparency restores trust. I wholeheartedly support this bill and urge all senators to vote in support.

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (09:40): The government will not support this bill, the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023. The ability to indemnify vaccine manufacturers in an emergency and/or pandemic situation is critical to secure timely access to vaccines for Australia. This was the case during COVID-19, where our ability to indemnify COVID-19 vaccine manufacturers enabled timely access to vaccines. If the Commonwealth had not been able to indemnify COVID-19 vaccine manufacturers, there would have been significant delays or refusal from the manufacturers to supply their vaccine in Australia. If this bill were to pass, this change would hinder Australia's ability to secure timely supply to vaccines during worldwide pandemics.

Just by way of background, the Australian government has entered into five separate agreements for the supply of COVID-19 vaccines. These include agreements with Pfizer, AstraZeneca, Novavax, Moderna and the COVAX facility for over 250 million doses of vaccine. The agreements with AstraZeneca and COVAX have been fulfilled. The details of advance purchase agreements with pharmaceutical companies for the purchase of COVID-19 vaccines are commercial-in-confidence. The proposed amendment would apply only in relation to the granting of indemnities on or after the day the amendment commences, so should not impact on any indemnities already granted.

The government separately established the COVID-19 Vaccine Claims Scheme to provide an avenue for those who suffered a serious adverse reaction to the COVID-19 vaccine to apply for compensation. The scheme is a no-fault scheme, administered by Services Australia, that allows claimants to access compensation for injuries resulting from diagnosed clinical conditions likely to be caused by a Therapeutic Goods Administration approved COVID-19 vaccine or its administration. Decisions about which conditions are eligible under the scheme are made based on the advice of the TGA on conditions with a recognised link to the vaccine and include consideration of the events listed in the approved Australian product information for the specific COVID-19 vaccine and the clinical significance of the condition. The TGA closely monitors the safety of COVID-19 vaccines and has a well-established and robust system in place to capture reports of suspected adverse effects of all medicines, including the COVID-19 vaccines. The TGA receives reports of adverse reactions from consumers, health professionals, pharmaceutical companies and state and territory health departments.

As I say, the government will not be supporting this bill, primarily because the ability to indemnify vaccine manufacturers in an emergency and/or pandemic situation is critical to secure timely access to vaccines for Australia.

Senator CANAVAN (Queensland) (09:42): The government's justification for not supporting this bill, the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023, does not stack up at all. The argument we just heard from Minister Watt is that somehow we need ministerial approval for an indemnity to respond in an emergency to a pandemic. He didn't; he failed to in any way outline the time line of this emergency and apparently how urgent it was. Keep in mind that we did not have this vaccine for almost a year after the pandemic began in February/March 2020. In fact, it didn't really start getting rolled out in Australia for more than a year. All this bill does is remove one man's or one woman's ability to indemnify and affect the whole country through the stroke of a pen.

I support this bill because I don't think that power should be placed in one individual. If a future Australian government wants to provide an indemnity to a large pharmaceutical company—or, sometimes, as we heard in Senator Babet's speech, even a small one like Moderna, one without any record at all—it can bring legislation to this parliament and have the people's representatives debate and inquire into whether such an indemnity should be given. They had ample time to do that during the coronavirus pandemic, more than a year, and almost certainly any future pandemic would play out the same way. A vaccine won't be ready straightaway; it will take time to develop. There's plenty of time to call the parliament and have a proper inquiry on whether an indemnity should be provided. I'm not so ideological about this that I don't believe there may be some circumstances in a pandemic where there's a virus killing fatality rate of 50 or 60 per cent—with, say, yellow fever or smallpox—where maybe we need to provide something like an indemnity. But it shouldn't be done without proper parliamentary scrutiny and oversight, because we've seen so many mistakes made here. The system we've got right now, where we almost provide blank cheques to large companies with, at best, spotted corporate histories, is a complete undermining of the trust of the Australian people and it transfers enormous risk to them.

Let's be very clear what an indemnity does. An indemnity doesn't remove the risk. It doesn't take the liability away. All the indemnity does, through the stroke of a pen of a government minister, is transfer that risk and that liability—which should naturally be with the company selling a product—to the people. The people are the ones who are left picking up the bill. The people are the ones, through these government decisions, who are left with the liability and risk of any pharmaceutical product that gets the benefit of an indemnity. That's what happens.

Under natural law, tort law, the common law that's been established in this place—that we adopted from Britain—a company selling a product is liable if their product is defective. Generally, courts over the years have applied a strict liability test, which is that you do not need to prove intent on behalf of a company. They are responsible for their product. If their product is defective then a consumer who may have been harmed by that product has the right to take them to court and seek compensation for it.

What these indemnities do, at the very least—and I might come to more of the details—is remove that strict product liability, that natural justice that should be provided to a consumer in a country of laws like ours. They remove that. They do not transfer it. And get this, right? This is what really bugs me. If a government did want to provide an indemnity to a company why wouldn't the government take on the liability? Why wouldn't they do that? They could do that. Why wouldn't the minister say: 'We think we need this company to have an indemnity so it can

roll out its product and not have to bear the risk itself on a small balance sheet.' Why doesn't the government take on the risk? If the government was so confident in the safe and effective language a company was using about the coronavirus vaccines, why wouldn't they take on that liability? They could do that, and they could let any consumer who was ultimately harmed, and could prove such harm in a court of law, sue the government for that liability and for that harm and still receive compensation.

That's not what your government does. For anybody listening here, the government doesn't do that. They don't take on the risk themselves. They try to present themselves, as we just heard, as angels and saints responding to a pandemic, but they don't take on that risk. They transfer it to you. And you and your family, who might be affected by any defective pharmaceutical products, are left to pick up the pieces.

What is worse is that you, the people, do not even know what those risks are. You're not even allowed to know because apparently it's commercial in confidence. I don't know why it's commercial in confidence, because the government doesn't take on any liability. The government doesn't accept any commercial risk here. You, the people, take on that commercial risk, as I just outlined. Don't you deserve to know what risks your government is imposing on you? Why shouldn't you have that knowledge?

As I have outlined, a large pharmaceutical company is definitely absolved from the product liability risk here through these indemnity arrangements that remain secret and hidden for many decades, as Senator Roberts said. I want to know, and if there are any further government contributions on this I might ask further questions at an appropriate stage, what other liabilities these companies are absolved from. For example, are the companies still liable for misleading and deceptive conduct? Are they indemnified from that? I'm very concerned not just about the possible defective nature of some of these products, which are rushed out under an indemnity blanket and not necessarily properly tested, but about whether a company is also absolved from any risk of any statements it might make publicly about the safety and effectiveness of its product which, again, would normally be illegal or provide the ability for you to take them to court without such indemnities.

For example, and other senators have mentioned this, last week we finally got Pfizer and Moderna along to a Senate committee. It took a while for us to do that, but we got them along to a Senate committee to answer some questions. I raised with them the fact that the Pfizer CEO and the Pfizer company itself had made a number of public statements early on in their vaccine rollout that their vaccine could stop transmission, that their vaccine with 100 per cent effective. In fact, one time Pfizer said their vaccine was 100 per cent effective at stopping you from getting coronavirus. They made that statement. In fairness to them, they said, 'A study in South Africa has shown that our vaccine is 100 per cent effective against you getting coronavirus.' Putting aside all the debates about adverse events, we can probably all agree that that statement is a big fat lie. That's a massive lie. Does anybody here think that the vaccine has stopped them from getting coronavirus? Has that happened? That is just a total lie from a big corporate entity that's seemingly gone unpunished. I don't know why the ACCC's not onto it. They have said that. It's out there.

I put to them that they made that statement and that I could not find a single statement from Pfizer—a professional statement, a tweet or whatever—since mid-2021 which clarified the effectiveness of their vaccine against you getting coronavirus, not a single extra thing. Obviously, all the evidence since that time has completely undermined what Pfizer had to say in early and mid-2021, but they have failed at any point since then that I could find to tell us—and they couldn't point to anything; I think they took it on notice, so we'll wait and see what comes back—where they have clarified the record to fully inform the customers of their product that perhaps their vaccine wasn't 100 per cent effective against you getting coronavirus. I really want to know here: can I take Pfizer to court for misleading and deceptive conduct? It seems like a pretty open-and-shut case to me here: they have engaged in what any other company in this country would be done for. Misleading and deceptive conduct is a key part of our consumer law, but are they indemnified against that as well? Can they just say whatever they like about it? I think that's very important because we must keep in mind the records of these companies. Sometimes it's almost presented as if they're not really companies, they're somehow modern-day saints, all helping us extend our lives, when most of us who have looked at this in any sort of detail know that these are some of the most fraudulent companies that have ever graced this God's earth.

In fact, Pfizer themselves in 2009 had to pay the largest settlement in history at that time for fraud, a \$2.3 billion fine for corporate fraud, to the US Department of Justice. They were there for corporate fraud was because they were misrepresenting the approval of certain pharmaceutical products—obviously, these didn't have an indemnity; they weren't vaccines. Certain pharmaceutical products were being misadvertised to American consumers, and they were ultimately fined \$2.3 billion. These are the companies that we provide a full indemnity to, and we put that risk onto Australian consumers. This is completely beyond the pale, and there is no justification for the lack of transparency, for the lack of parliamentary oversight, for the lack of oversight from general people that goes into the conclusion of these vaccines.

The other point I'd like to make in closing this debate is that this debate has evolved a lot in a short space of time. I do want to give credit to Senator Babet for bringing this particular bill forward and also to many of my other colleagues—Senator Roberts, Senator Hanson, Senator Antic, Senator Rennick; I hope I'm not missing some—who, over the past year and a half, almost two years now, have raised these and related issues. A lot of senators have brought these issues up. I don't know if some of my colleagues remember but when we first brought these issues up—we brought up a bill to end vaccine mandates—we struggled to get a word in because on the other side there were others wanting to jump up and call us antivaxxers and say how ridiculous we were, say that we were QAnon conspiracists and label us with all these epithets. There were multiple speeches from the other side condemning us as almost evil for even suggesting that somehow the products of the saintly Pfizers or Modernas of the world could be in any way questionable.

Well, it's very different today, isn't it? It's very different today. We had a half-hearted attempt there from Minister Watt to rebut this particular bill, but he actually didn't give any real time to it. The words 'safe' and 'effective' didn't even go past his mouth. People have completely surrendered on this issue. But now the problem is they are too embarrassed to admit their mistakes and they won't correct them on behalf of the Australian people. It's about time some humble pie is eaten in this debate and we actually make decisions in the best interests of the Australian people, not try to protect our parliamentary record or previous statements. As I said, the proof of the pudding is in the eating. Who is taking a booster now? Who is getting a booster? Does anyone want to put their hand up as getting it? No-one is doing this anymore, right? Hardly anyone is doing it.

Senator Watt interjecting—

Senator CANAVAN: Alright, Murray. Good on you for having the courage! I think the latest stats out of the US show that 12 per cent of people are doing it.

I think there are still some ads from the Commonwealth government promoting this vaccine. Not once in these ads do they refer to the fact that there are actually side effects from it. We know that there are cases of myocarditis, pericarditis and others, particularly for young males, and they never mention it in the ads. It is totally irresponsible. I have great faith and trust in the Australian people and, fortunately, they have worked it out for themselves. They are not listening to the ads, because hardly anyone is getting it. But at the very least the government could be upfront with them and say: 'If you are young, fit and healthy, you probably don't need this vaccine. Don't get it.' Hardly any young and healthy people are getting it, but it would be good to have full disclosure here because we constantly seem to be trying to dupe the Australian people on these issues when it would be much better to explain all of the problems with any particular drug or pharmaceutical products, which are always legion. There are always side effects from pharmaceutical products.

So we will keep fighting on this issue even though it seems the other side have effectively surrendered on this. We will keep raising these issues on the behalf of the Australian people. They have worked it out. They understand what is going on here. They understand the great swindle that these pharmaceutical companies get away with constantly. As I said at the start of my contribution, what should happen here is that any future indemnities are done with full parliamentary oversight and approval such that they bring legislation into this place. If the government wants to do that, there is plenty of time during a pandemic to do it, as we saw with the coronavirus. Don't give us that rubbish that it has to be done overnight. Let's not have these kinds of deals done in back rooms by one particular minister at the time who has all the power to impose all the risk of a pharmaceutical product onto you, the people. We will keep fighting for you. Once again, I give credit to Senator Babet for bringing this forward.

Senator RENNICK (Queensland) (09:57): I rise today to speak in favour of the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023. I think it is way overdue and I think that it's a real shame that this wasn't introduced earlier, because too many people have suffered. What's worse is that the people who have been injured by the vaccine have effectively been gaslighted and haven't got proper compensation to help with their injuries. That we could spend hundreds of billions of dollars on shutting down a country in regard to coronavirus when healthy working-age people had very little risk from the virus and yet spend nothing on these same people when they are injured from the vaccine is gross hypocrisy.

Before I get into the vaccine I actually want to talk about this side of the chamber and what the Liberal Party pretend to believe in or what we are supposed to believe in, and that is capitalism. The capitalist is someone who risks their own capital. As I have always said, I don't believe in the free market. I am in good company there because Robert Menzies himself did not believe in the free market. He said in his 'forgotten people' speech that we should not go back to the 'old and selfish notions of laissez-faire'. I have spent my whole life working in finance and I have never seen freedom as a line item on the balance sheet. There are only two outcomes in the market: you are either making money or you are losing money. The real capitalists out there are the Australians who get out of bed every day and put their noses to the grindstone. I don't care whether you are a teacher, nurse, lawyer, doctor, engineer, scientist or small-business person; if you are out there busting your gut, you are the one risking your capital. I've

always tended to have thought of that in terms of economics, but, unfortunately, because of this contrived crisis that was brought about by state governments who lost the plot basically, we've now found that people have had to risk their health because of a government mandate. That is totally wrong. I think we need to have a good look at that.

Effectively, I can tell you who isn't a capitalist, and that's big corporations. They've never been capitalist, because they've always hidden it under the veil of limited liability. This is another example of where big pharma—it's the same for bureaucrats; they don't have to be held accountable for superannuation funds. They don't have to be accountable, because they risk other people's capital. When you have situations where big organisations are risking other people's capital, you need proper checks and balances. One of those things is definitely not indemnities because indemnities effectively remove the checks and balances.

The whole point of democracy is to protect the government from the people. It's not the other way around. We are here to protect the people. We are not here to protect the big end of town. We are not here to protect corporations, the bureaucrats or big wealth funds, who own these big corporations today. The corporations are just puppets on the string now. The puppeteers and the puppet masters are actually the superannuation funds here in Australia or BlackRock and Vanguard overseas. They have these cross-interests that allow them to get away with lots of things.

The other thing that makes this indemnity particularly bad is the fact that there's been no transparency about the contract. We have, on many occasions, tried to get the terms and conditions of the contract with Pfizer, and it hasn't been forthcoming. Yet again, one of the hallmarks of democracy is accountability and transparency, and we have not got that.

No. 1, it's bad that we gave an indemnity without knowing the risks. No. 2, it's even worse that we aren't being transparent. No. 3, I don't believe that this contract will still hold up. I was taught at university in introductory law, in the bowels of the Forgan Smith Building in Queensland university, that there are three elements to a contract. There is the offer. There is the acceptance. And there are the terms and conditions. And the terms and conditions of this particular drug were not made available to the people.

One of the things in the immunisation schedule—it's on the internet; it's basically an oral contract between the Australian government and the people: the *Immunisation Handbook*—is that people have to be fully informed about the risks of the drug before they take it. Of course, they weren't fully informed at all. They were lied to. They were lied to by the government and they were lied to by big pharma.

You don't need to take my word for it. Right here we've got the Australian public assessment report for the Pfizer vaccine. This came out, by the way, in January 2021. You can google this. It's the Australian public assessment report. If you go to page 31, you will see what they tested this on. I'm going to read out some of the 'missing information' that was involved with the sale of this drug. It says, 'Missing information: use in pregnancy and while breast feeding; use in immunocompromised patients'—I wonder why they did that!

I'll tell you why this really matters. Last week I finally got the TGA to admit that myocarditis is an autoimmune disease. So they knew. This is the thing: a normal vaccine generates an immune response against the foreign body that's in the vaccine. This vaccine doesn't do that; this vaccine creates an autoimmune response via generating a T-cell response against the little peptides that are present on the cell membrane. That's in the Pfizer FOI-289-6 report. That generates a T-cell response. That means you now get an autoimmune response against your own cells. So the pathway of this vaccine was completely different. It created an autoimmune response, yet, right here, it says they never actually tested the drug on immunocompromised patients.

Under 'missing information', the report also says:

Use in frail patients with co-morbidities (for example, chronic obstructive pulmonary disease (COPD), diabetes—

Well, diabetes has jumped a lot in excess deaths; it's one of the largest contributors to excess deaths, yet they never tested for diabetes.

... chronic neurological disease, cardiovascular disorders)—

Hmm, is myocarditis a cardiovascular disorder? All of this was missing information, and, yet again, it's relevant, because last week Pfizer and Moderna could not explain why their vaccine causes myocarditis. It turns out that they never actually tried to find out before they rolled this thing out. They were happy to say the vaccine was safe and effective, but they didn't actually understand what they were selling. And, of course, we've got use in patients with autoimmune or inflammatory disorders. Wow!

Next there is 'Interaction with other vaccines' and 'Long term safety data'. They lied. They lied, and people died. Yet these people were given an indemnity. I've been contacted by the mother of a child this week whose child was recognised by the TGA. She was offered \$85,000. That included \$15,000 for funeral costs. Her daughter was worth \$70,000. That is a disgrace. That is an absolute disgrace.

Let's go to the initial reason why this was approved. This is on page 7 of the product assessment report. It says:

... COVID-19 vaccine has provisional approval for the indication below:

Active immunisation to prevent coronavirus disease 2019 (COVID-19) caused by SARS-CoV-2, in individuals 16 years of age and older ...

The decision has been made on the basis of short term efficacy—

They're not wrong about that—

and safety data. Continued approval depends on the evidence of longer term efficacy and safety ...

Guess what? The TGA fully approved the Pfizer vaccine just last week. So they're not really being held to account on what they said they would do.

Let's talk about the so-called efficacy and the 95 per cent efficacy that Pfizer originally claimed that they provided. It turns out that was all a scam. You see, in the initial trial there were about 44,000 participants. Of the 20,000 each that they ended up measuring, 162 in the non-vaccinated group caught COVID and only eight in the vaccinated group caught COVID. That was less than 1 per cent of the trial group in either trial. That is not statistically significant. Here is what is interesting: 1,594 people were suspected but not confirmed to have COVID in the inoculation group, and 1,816 were suspected but not confirmed to have COVID in the vaccine group. They actually excluded 3½ thousand people from the efficacy trial. The reason they did was, if they included all those people, it would have reduced the relative risk reduction to 19 per cent. That was below the 50 per cent threshold necessary to get European approval for the vaccine. They engaged in deliberate—in my view—fraud.

You don't have to take just the efficacy. Let's talk about Maddie de Garay. She was one of the children in the children's adolescent trial. She ended up in a wheelchair being fed through a tube. How did Pfizer describe her injury? As 'functional abdominal pain'. This was a girl who developed gastroparesis, nausea, vomiting, erratic blood pressure, memory loss, brain fog, headaches, dizziness, fainting, seizures, verbal and motor ticks, menstrual cycle issues, lost feeling from the waist down—hence the wheelchair and lost bowel and bladder control, and she had a nasogastric tube placed because she lost her ability to eat. She was hospitalised many times and has been wheelchair bound and fed via a tube. How did Pfizer treat this victim of their own trial? They gaslighted her. They gaslighted her own injury. Shame on you, Pfizer. What an absolute disgrace. We gave these people indemnity.

That's not all. You see, one of the things these Pfizer are claiming is, 'It wasn't meant to stop transmission and it wasn't meant to stop efficacy.' But here's the thing. Look at their own trial data. Last week Pfizer were claiming it's going to reduce serious illness and death. That's not true. Their own six-month data, which was reported in the *New England Journal of Medicine*, showed that adverse events related to Pfizer were 300 per cent higher in the inoculation group—that is, in the vaccine group—than in the placebo group. Any severe adverse event was 75 per cent higher in the vaccine group than in the actual placebo group, and any serious adverse event was 10 per cent higher.

So, even in Pfizer's own six-month trial data, injuries were higher—significantly higher—in the vaccine group, yet these people still try to claim that the vaccine reduces illness. I find that very hard to believe, and you don't have to base it just on a trial. We know that in May 2021 the number of deaths jumped by about four per cent and continued to stay that high throughout the year, so there were 172,000 deaths in 2021, all from May onwards, in the last eight months of the year, straight after the vaccine rollout. This is significant because it was before COVID was in the community. What caused it? There were almost 10,000 more deaths in 2021 than there were in 2020. Yes, 2020 saw a reduction in deaths of 2,000 from 2019, but that's a long way short of 10,000. We had 1,300 deaths from COVID in 2021, but we had 1,000 deaths in 2020. So, out of that extra 10,000 deaths, only 300 were due to COVID.

What was the cause of all the other excess deaths, and why were those excess deaths in the states that were locked down? The highest jump was in Queensland and WA, where there was absolutely no COVID. That figure is three standard deviations from the average mean of the prior five years. That is a six-sigma event. That has a one-in-1,000 chance of happening statistically. It's an outlier of enormous proportions. Yet these people will sit here and claim that this vaccine reduced illness and death, and that is not true.

We can't get Pfizer's contract, but what we can get is Pfizer's set of financial accounts. I managed to get them yesterday. You can pay \$47 from ASIC and get their financial accounts.

The ACTING DEPUTY PRESIDENT (Senator Dean Smith): Thank you, Senator Rennick. The time for debate has expired. You will be in continuation when we resume with the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023 at a later date.

Health Insurance Amendment (Prescribed Dental Patients and Other Measures) Bill 2023

In Committee

Consideration resumed.

The TEMPORARY CHAIR (Senator Dean Smith) (10:12): The committee is currently considering the Health Insurance Amendment (Prescribed Dental Patients and Other Measures) Bill 2023. Last night a division was called for and deferred on the request for amendments moved by Senator Rice on Sheet 1922. I intend to put the question now. The question is the request for amendments moved by Senator Rice on sheet 1922 be agreed to.

The committee divided. [10:17]

(The Temporary Chair—Senator Dean Smith)

Ayes.....10
Noes.....26
Majority.....16

AYES

Cox, D.
Lambie, J.
Shoebridge, D.
Whish-Wilson, P. S.

Faruqi, M.
McKim, N. J. (Teller)
Tyrrell, T. M.

Hanson-Young, S. C.
Rice, J. E.
Waters, L. J.

NOES

Ayres, T.
Brown, C. L.
Farrell, D. E.
Grogan, K.
O'Neill, D. M.
Payman, F.
Pratt, L. C.
Smith, D. A.
Walsh, J. C.

Babet, R.
Chisholm, A.
Gallagher, K. R.
Henderson, S. M.
O'Sullivan, M. A. (Teller)
Pocock, D. W.
Roberts, M. I.
Smith, M. F.
White, L.

Bilyk, C. L.
Cicccone, R.
Green, N. L.
McAllister, J. R.
Paterson, J. W.
Polley, H.
Sheldon, A. V.
Urquhart, A. E.

Question negatived.

Bill reported without amendments; report adopted.

Third Reading

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (10:20): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Australian Organ and Tissue Donation and Transplantation Authority Amendment (Disclosure of Information) Bill 2023

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator PATERSON (Victoria) (10:21): I rise to speak on behalf of the coalition on the Australian Organ and Tissue Donation and Transplantation Authority Amendment (Disclosure of Information) Bill 2023. I am advised that the bill amends the Australian Organ and Tissue Donation and Transplantation Authority Act 2008 to allow the Australian Organ and Tissue Authority and DonateLife agencies, grant recipients and authorised family members to publish, disseminate or disclose information about deceased organ or tissue donors or recipients without breaching the law of a state or territory. The purpose of this bill is to broaden the disclosure of information provisions in the act which govern the OTA and DonateLife's obtaining of consent for information on donors or recipients to be used in community awareness and educational activities.

The coalition has always had a longstanding commitment to increasing the rates of organ donation in Australia to alleviate the suffering of those on organ transplant waiting lists. We understand that organ and tissue donation saves and transforms lives, and we are proud of our record in overseeing an increase in donors through various targeted investments while in government. Right now around 1,600 people in Australia are on the waitlist for a transplant, and wait times can be anywhere between six months and four years. Australia's rates have improved in recent years, particularly during our time in government, with donation rates doubling between 2009 and 2019. However, the coalition understands that it is critically important to ensure that we can continue to encourage more people to register as donors and make transplants more accessible for the Australians who need them. We also recognise that the COVID-19 pandemic has had a significant and unavoidable impact on this area, as it did in many areas of our health-care system. This saw Australia's donation and transplantation rates drop in 2020, following the emergence of COVID-19, which makes it more critical than ever to encourage donation in Australia and make up for this period of decreased accessibility. We want to work with the government towards a goal to increase our organ donation rate to make sure that everyone who needs one or would benefit from an organ or tissue donation can help with a donated organ.

It is important that all Australians are aware of our instant online registration. It takes only a minute and can make a lifetime of difference for up to 10 people. By offering to be organ donors, Australians are signing up to the possibility of giving someone the gift of life, and the importance of that cannot be understated. This is why we are so appreciative of the amazing work that the Organ and Tissue Authority's DonateLife does in improving this area in Australia. I would like to take the opportunity to recognise DonateLife for the work they do across the community, including with individuals and families affected by organ, eye or tissue donation and transformation. I acknowledge their work in collaboration with the DonateLife agency in each state and territory and the specialist donation medical, nursing and support staff who deliver the nationally consistent program. Their work in increasing the rates of donation and improving outcomes for Australians who acquire an organ or tissue transplant is critically important. Improvements in this area can literally change and save lives.

Considering this bill intends to support DonateLife and other agencies and the work they do in this area, we absolutely support the intention of these amendments. We acknowledge that this bill builds on the coalition's work to improve greater rates of organ and tissue donation in Australia; however, we do have concerns with the amount of time and consultation undertaken prior to the introduction of this bill, particularly in regard to the change of definitions contained in this bill. Time and time again, we are concerned by this government's refusal to allow for appropriate levels of consultation on their legislation and to follow proper process, so we have some questions we would like to tease out in the Senate committee process. The opposition will support the passage of this legislation through the House and we will take time to explore these reforms properly in the Senate.

Senator BILYK (Tasmania) (10:25): In rising to speak on this bill, I would first like to pay tribute to the late Dr Carey Denholm AM, a friend of mine who died in 2018. Dr Denholm was a double-lung transplant recipient and a fierce advocate for the life-saving benefits of organ donation. Dr Denholm and his wife, Laura, are the co-authors of the book *The Carer—Partnering a transplant recipient*, which talks about the vital role that carers play in supporting transplant recipients. Proceeds from the sale of this book help raise funds for transplant recipients, their carers and families. In November 2017, roughly a year before his death, Dr Denholm and his wife, Laura, invited me to a forum for the DonateLife thank you day, where I had an opportunity to meet with transplant recipients and families of organ and tissue donors. This was an incredibly powerful experience. There is, after all, no greater gift anyone can give than the gift of life. If you ever have the opportunity to speak to a recipient or the family of a donor, I strongly encourage you to do so, because if you do you will understand two things: (1) Organ donation saves lives; and (2) organ donation offers the families of donors the opportunity to find some positive meaning in the death of their loved ones.

Nothing whatsoever can take away the grief of death, but knowing that your loved one has saved a life and the thought that there is part of them living inside someone else, sustaining them and giving them life, is an incredibly powerful way to help them through the grieving process. We need as many Australians as possible to register for organ and tissue donation because the conditions that allow for donations are so rare. To be able to donate, an organ and tissue donor needs to die in hospital with well-functioning organs. Only two per cent of Australians who die in hospital meet this condition. In 2022 that meant 1,400 people died in a way that organ donation could even be considered. Of those 1,400, requests for donations were made to family members in 1,300 of these cases. In 701 of these cases, the family said yes, representing a national consent rate of 54 per cent, and 454 of those actually became organ donors, with their organs going to 1,224 recipients. This is certainly a good outcome but we could be doing better and we need to.

There are 1,800 Australians waitlisted for a transplant and around 14,000 additional Australians on dialysis, some of whom need a kidney transplant. Among the waitlisted Australians are people with heart failure, infections or

defects, people with lung diseases such as cystic fibrosis or emphysema, people with liver disease, hepatitis B or hepatitis C or congenital liver defects, people with type 1 diabetes who need a donated pancreas and people who need bone tissue or skin grafts. Without a transplant, people on the waitlist face a severely diminished quality of life and many have life-threatening conditions.

There are two simple variables we need to change to increase the rates of organ and tissue donation. One is the number of Australians on the organ and tissue donation register. Despite the overwhelming majority of Australians supporting organ and tissue donation, only 46 per cent are on the register. Anyone aged 16 years and over can register and the process of registering only takes one minute. The other variable is the number of families that agree to donating even when the loved one who has just died is registered. That is why it is essential that anyone who registers as an organ and tissue donor discusses their organ donation wishes with their family. While the rate at which families say yes to donation at a little over half seems disappointing when the donor has already clearly indicated their wishes by registering, we should recognise they are having to make this decision quickly at a time when they have suffered a great personal trauma and are grieving. Taking this into consideration, a more positive way of looking at it is to acknowledge the extraordinary courage of the 54 per cent who agree to the request to donate and not seek to judge the remainder who said no. It's easy for a dispassionate observer to judge that decision—to say it defies logic. 'You cannot bring back your loved one. Why would you not want to save a life?' But, unless you have recently suffered the tragedy of the loss of a close family member, it's impossible to know exactly what you would decide in the situation. I just want to take a moment to reflect on the family members who have agreed to their loved ones' donation wishes to commend their bravery and to thank them for their lifesaving gift.

One of the key ways the Organ and Tissue Authority, or OTA, tries to get more donors on the register and encourage more families to honour the wishes of their loved ones who have registered to donate is community education and awareness. The statistics on the number of lives that have been impacted by organ and tissue donations are compelling. The most powerful messages OTA can use are the personal stories of transplant recipients and the stories of families who said yes to organ donation during one of the most tragic and confronting times of their lives. I have no doubt about this, having spoken directly to recipients and donor families many times but especially at an event organised by the Denholms five years ago. I sincerely thank Carey and Laura Denholm for giving me that opportunity. I hope more Australians can have the opportunity to hear such stories, which are both profoundly heartbreaking and heartwarming at the same time.

Unfortunately, telling these stories publicly is not as simple and straightforward as it may sound. Each state and territory has its own human tissue act. There are varying limitations in these acts around what information may be disclosed identifying donors or recipients. Three jurisdictions—the Northern Territory, South Australia and Western Australia—prohibit all persons from disclosing information, including the family members of donors. As you can imagine, this puts a huge constraint on the ability of the OTA and Commonwealth-funded state and territory DonateLife agencies to engage in community awareness activities involving donor families. Even something as simple as talking about a loved one's organ donation in a commemorative ceremony can be restricted by state and territory legislative provisions. This bill will nationally harmonise the legislative provisions in relation to the disclosure of organs donors' information. The bill allows the OTA and DonateLife staff to obtain consent from an extended list of family members of a deceased donor before including information about the deceased donor in their promotional and educational activities. If consent has been given by an authorised family member, as defined in the bill, the law of a state or territory will not prevent the publication or dissemination by OTA and DonateLife staff. This will enable families of organ donors to tell their stories and, in doing so, encourage other Australians to register as organ and tissue donors and to have conversations with their families about their donation wishes. The bill maintains privacy safeguards which help the organ and tissue donation system to function effectively. It will not facilitate direct contact between donor families and organ and tissue recipients. The rights of both donor families and transplant recipients who wish to remain anonymous will continue to be protected, while donor families and transplant recipients can continue to contact each other anonymously through their state or territory DonateLife agency.

The stories that the OTA and DonateLife authorities want to tell will be very powerful. There is broad agreement by psychology experts that storytelling is far more persuasive than facts and statistics, as it's far more effective at making the audience remember the message. For example, to read some of the stories that have been told, you can visit donatelife.gov.au, then click on 'Who will be helped by my donation', then 'Donation stories'. I'll quickly read one such story as an example:

When 10-year-old Sophie grew her angel wings in 2016 her family didn't have to think too long about giving the gift of life to others, in fact her mum Karina said it took about 30 seconds for them to decide.

"Of, course we would donate. Sophie always wanted to help people!" she said.

In fact, the last words young Sophie wrote on her whiteboard in her bedroom was "live life peacefully (sic)".

"She had a beautiful spirit and caring nature, so we knew this was something she would want to do," Karina said.

"Knowing Sophie's generous donation has enabled many people to live a fulfilling life, warms my heart."

Not only will these stories help to overcome some of the stigma associated with organ and tissue donation, but they will hopefully help to overcome some pervasive myths. I'll take the opportunity now to tackle some of the myths about organ and tissue donation, but I also encourage anyone listening to check out the 'Myths and Facts' page on the DonateLife website. The first myth is that medical professionals will not try as hard to save the life of an organ donor. That is not only completely false but very hurtful to medical professionals. The first priority of medical professionals is to save a patient's life, and they work incredibly hard to do so. Organ donation is only considered after death, and the donation register will not be checked until after the patient has died. Another myth is that organ and tissue donation will disfigure the body. Organ and tissue donation is conducted by professional surgeons, who make incisions and dress the wounds carefully. All organ donors are treated with dignity and respect.

Then there are those who claim organ donation is against their religion. All major religions support organ and tissue donation. Some people think they are too old to donate their organs, but the fact is that people as old as 80 have been organ donors. Age is not a barrier to donation. As I've said, anyone over the age of 16 can register as a donor, and people of any age can donate. You also do not have to be in perfect health. In fact, even people who smoke, drink or have an unhealthy diet may still have organs suitable for donation. Finally, there is the myth that anyone in Australia can register as a donor on their drivers licence application. If you live in South Australia, you can register to be a donor when applying for or renewing your drivers licence, and then this is transferred directly to the Australian Organ Donor Register. In every other state and territory, you have to join the register directly. It takes one minute, as I've said, to join and roughly the same amount of time to check if you're already on the register.

In concluding, I would like to encourage all senators in this place and members in the other place, as well as anyone listening to these proceedings, to register as an organ and tissue donor if you have not already done so. As I said earlier in my contribution to this bill, the process of signing up takes one minute. In fact, jump on your computer or get the phone or tablet out and do it right now. What are you waiting for?

Just remember: if you are truly committed to being a donor should the conditions for donation be right, you must discuss your wishes with your family. If you have not spoken to them by the time they have to make the decision, it goes without saying that it will be too late.

A final point I'd like to make is that as a society we do not talk enough about death, dying, grief and bereavement. In fact, I think I'm the only person in this place that constantly talks about those issues. I often say this in discussion about palliative care, but it's also relevant to organ donation and the need to have conversations about donation wishes. I have made this point many, many times before and spoken about how it prevents Australians from having a good death or seeing their end-of-life wishes fulfilled. The ongoing taboo about discussing death is also leading to less conversation about what we do with our bodies after death. It's worth noting that 8 August was Dying to Know Day, an awareness campaign aimed at discussing and planning for end-of-life. I'm in no doubt that if death and dying were discussed more frequently and openly, particularly amongst couples and families who take the opportunity to express their end-of-life wishes, we would have more organ and tissue donations and more Australians receiving the life-saving transplants that they so desperately need.

Having said that, for those who have experienced the tragedy of the death of a loved one, I can appreciate that this debate may cause you distress. If so, I strongly encourage you to contact Lifeline on 131114 or beyondblue on 1300224636 or, in the case of a life-threatening emergency, to call triple 0 immediately. Thank you for the opportunity to contribute to the debate. I commend this bill to the Senate.

Senator DAVEY (New South Wales—Deputy Leader of the Nationals and Deputy Leader of the Nationals in the Senate) (10:38): I could not agree more with Senator Bilyk when it comes to the importance of organ donation. I commend her comments about getting online and registering for organ donation—a very important thing—and the need to ensure that your family is aware of your wishes to make sure that your final wish is respected by those around you and your organs or your tissues can be used to help prolong someone else's life. There is no greater gift than the gift of organ and tissue donation. It's a very important but challenging issue for families and for medical teams and the wider community. It is a very important conversation that everyone should have. For your family, knowing what your final wishes are actually helps in the grieving process and in the final days. The slogan 'Don't take your organs to heaven, heaven knows we need them here' epitomises the essence of why organ donation must be promoted, supported and encouraged. I lost my father last year, but we had spoken very openly in our family about what his wishes were, and we were able to donate his eyes to a lucky recipient. His beautiful eyes live on. Had his disease not riddled him, we certainly would have been able to give more of his organs. But knowing that

that was what he wanted made the whole grieving process that little bit easier for us, and the decision was so easy because we knew that it was what he wanted; it wasn't what we had decided.

But I do hold concerns about the current bill before the Senate, the Australian Organ and Tissue Donation and Transplantation Authority Amendment (Disclosure of Information) Bill 2023, and the amendments it proposes to the Australian Organ and Tissue Donation and Transplantation Authority Act 2008. While it is a bill full of good intent, and I understand the aims of the bill—we want to be able to talk about organ donation, we want to promote it, we want to have education campaigns, so I totally get the intent of the bill—as we saw through the Senate committee, somehow the development of this bill has not quite hit the right tone and certainly has raised significant concerns amongst the donor community.

This bill was sent to the Senate Community Affairs Legislation Committee for an inquiry, and the inquiry reported in July. It was a very quick, short, sharp inquiry—two weeks—but it received 26 submissions from departments, organisations and individuals. The bill's explanatory memorandum outlines the purpose of the bill—'to broaden the disclosure of information provisions'—but, ironically, the interpretation of the bill from many donor families suggests that in fact the bill does the opposite. There is wide concern amongst donor families, and I've received correspondence from several donor families around the country raising their concerns that this bill may actually inhibit their ability, their capacity, to speak about what their family has gone through, be they a donor recipient or the family of a donor.

Organ donation rates are comparatively low in Australia. We do need to promote it. We do need to ensure that all levels of government support and encourage people to make a positive choice to donate life. But we need to make sure that we are hearing the concerns of the donor community. The Organ and Tissue Authority, known as the OTA, gave assurances to the committee that the bill would not affect ownership of information, and there is a big list in the explanatory documents for the bill that outlines how it will protect families from prosecution for communicating information about deceased donors under various state and territory laws. However, this was not reflected in the submissions to the committee. As one submission said:

As an organ recipient for some 33 years, in my opinion, this legislation is designed to restrict our Human Right of freedom of speech for all Donor Families and Families of deceased Recipients. When Donor Families say Yes to donation they will have, unbeknown to them, handed over control of their loved one's information to the government.

This is a concern that has been reflected in several submissions. Another submission said:

When I consented to the donation of Scott's organs and tissue, I did not consent to handing over ownership of Scott's donation story to DonateLife or the OTA.

In retrospect, I have serious doubts about whether I would have consented to the donation, if I had known that the Government would attempt to introduce such draconian measures restricting my freedom to share Scott's story.

... ..

I am also disappointed that no consultation was sought from donor families like mine ...

... ..

Scott's organ and tissue donation provided comfort during the early days of my grief and is an immense source of pride to me and our families.

I find it inhumane that legislation could be drafted in this country that would seek to silence us.

That sentiment has been reflected broadly. Families who had agreed to organ donation hold serious concerns that through this new measure their right to share their story in their own way will be limited.

Other familiar themes from private organ donor families' submissions were that they were offended they had not been consulted. Indeed, it would appear that they were not given the Department of Health and Aged Care's own submission, which said they only had one objection from one donor family. That begs the question of how many donor families they reached out to, given that the inquiry had so many submissions.

It's on record that the coalition supports the intention of this bill. As I said in my introductory comments, we certainly acknowledge and recognise the need to further promote organ donation and get more people to sign up to the register. But it is our job in this place to ensure that in the drafting of well-intentioned legislation it doesn't inadvertently have unintended consequences. That is the concern that so many people have raised with me about this bill.

I acknowledge that in its submission the department of health was at pains to point out:

No provision of this Bill affects the ownership of information ...

They were at pains to say:

There is no assumption that when a family consents to organ donation they have also consented to the use of their loved one's information ...

They said:

The Bill does not propose any restrictions on how family members conduct community awareness ... programs.

But if that's true, why are so many families interpreting the bill in another way? Why are so many otherwise very informed people involved in the donor family network interpreting it and saying the government's got it wrong?

As the chair of Donor Families Australia said in their covering letter to the Senate inquiry:

DFA is the only organisation that represents Donor Families nationally, and as such, we are able to speak from lived experience how these changes to the proposed amendment as mentioned will directly affect our membership and in fact donation and consent rates into the future.

As can be demonstrated by our submission we, and our membership, strongly feel that the wording of the proposed amendment is excluding families, in their grief, to their human right of free speech.

What I know is that once again, true to form, this Labor government has failed to do its homework and has failed to fully consult with the stakeholders and the very people who will be primarily impacted by this amendment. We're seeing time and time again with this government that they're at pains to show that they're getting things done, but they're not doing the research. They're not doing the fact-checking and they're not doing the ground truthing.

While our departments work very hard to give us fair and frank advice, sometimes they are not the purveyors of all the wisdom, particularly when it comes to issues such as this that are so personal. It really was incumbent on the department to have reached out. They should have reached out to Donor Families Australia and they should have heeded the concerns of Donor Families Australia and taken into consideration how they could better draft this amendment to ensure that all of those concerns were actually dealt with and that the amendment addressed the inadvertent consequences these organisations and the donor families are interpreting they will have. The government must recognise the negative aspects of this legislation and work to restore confidence to the Australian community. In saying that, we've already advised that we support the legislation. We support organ donation and we certainly support promoting it and trying to get more and more people to sign up to the organ donor register. I'll put it out there: talk to your families. I'm telling all of you as well: I'm an organ donor. Please, go your hardest. Take whatever you want. It's all yours when my time comes!

We will be supporting this legislation but I implore the government and the department to work with Donor Families Australia, the donor family community, the recipients and the families of donors, and make sure these concerns are addressed and resolved so they can freely talk about their loved ones in a way they are comfortable with while we continue to support, promote and educate about the value of organ donation.

Senator REYNOLDS (Western Australia) (10:51): I, too, rise to support this bill, the Australian Organ and Tissue Donation and Transplantation Authority Amendment (Disclosure of Information) Bill 2023, along with my coalition colleagues. But I am very disappointed at the lack of consultation that was done with those who are gravely and very personally impacted by this bill. While we support it, for the reasons I'll go through I call on the government to further review this bill, to talk to Donor Families Australia and to make amendments that will get this right. We on this side acknowledge the bill builds on the coalition's work to encourage greater rates of organ and tissue donation in Australia—and I can confirm that, like Senator Davey, I am a very proud and willing organ donor.

While we support the intention of this bill, we still have very significant concerns over, yet again, the Albanese Labor government's failure to properly consult on and communicate these changes. These concerns were very poignantly reinforced by several submissions received by the Community Affairs Legislation Committee inquiry—most notably from Donor Families Australia, who, rather inexplicably, were not consulted by the government or the department in the preparation of this bill. The coalition, and I in particular, acknowledge the concerns raised by Donor Families Australia as outlined in their submission, including their extreme dissatisfaction at the limited consultation and their view that the bill fails to address the concerns of their members and failed to properly consult with the donor community. Time and time again we've seen, over the last 15 or so months, this government's refusal to allow for adequate consultation. Even where there is going to be bipartisan and multipartisan support for bills, they manage to stuff up the consultation—like with the 60-day pharmacy dispensing rule—on something we all agree on and get the policy so wrong.

I would now like to share the words of Bruce and Karen McDowell. Bruce is the chairman of Donor Families Australia. I will never forget the meeting I had with them both recently in Perth. While their voices were not heard, I would now like to read what I received from Mr McDowell both as the chairman of Donor Families Australia and as a father of a donor:

My name is Bruce McDowell, I am the Chairman of Donor Families Australia (DFA) and more importantly the father of Alysha, who became a tissue donor on the 15th Sept 2008.

Then he said this, and I think this demonstrates the problem with the lack of consultation by those opposite:

(I wish to advise you in providing this information about my daughter, I acknowledge that I have contravened legislation.)

That is one of the saddest things I have read and heard in a very long time, in looking across the table at both of them as they talk about their daughter and realise they are contravening legislation. He also provided me with a letter from the WA state health minister that said, 'I appreciate your valid concern that risk of prosecution may prevent donor families from speaking about their deceased relatives' donation.' The failure of this government to make sure that this legislation does no harm and in fact harmonises with state and territories legislation is an indictment on those who have gone through this process.

So after advising me of that, he goes on to say:

DFA is a national organisation of Donor Families that advocates and supports and raises awareness around organ and tissue donation. We have approximately 1,000 members and 2,900 followers on our facebook page. We recently reached approximately a quarter of a million people during our Donor Heroes Night event raising awareness of organ and tissue donation whilst honouring our Donor Heroes—

their loved ones.

We wish to bring your attention to problems with the proposed Bill ...

As noted in my first paragraph I am being unlawful in making my daughter's information publicly known.

Why is Organ and Tissue Donation so complex and restrictive in Australia? If my daughter had passed away under different circumstances, such as suicide or drug overdose, as parents we could say ... as we see fit, because there is no legislation directing otherwise. But in Organ and Tissue Donation we have legislation ruling what families can say and do at two levels of Government.

The optics of this Bill is terrible, it shows little to no respect for grieving families who are already going through enough without being told what they can say and do.

This Bill directly affects Donor Families of deceased donors. Despite this, not one donor family was consulted in the drafting of this Bill. It was DFA that raised with the Organ and Tissue Authority ... two years ago that it and its DonateLife Agencies were, and still are, contravening their respective legislations. The Commonwealth Health Department in its submission to the Senate Inquiry acknowledged that DFA was not consulted despite being a stakeholder—

and I would say despite being one of the most critically important stakeholders in this whole process. He goes on to say:

DFA sought legal advice on the above mentioned Bill from the legal firm Lavan. An example of the restrictions imposed—that their legal advice cited was this:

'These proposed amendments still do not allow authorised family members to directly publish, disseminate, or disclose information capable of identifying a deceased donor or recipient.'

That means individuals cannot publicly talk about their loved ones.

'For example, a family member could not go directly to a journalist to publish a story identifying their family member as a donor or recipient.'

This Bill encroaches on Donor Families basic Human Right of freedom of speech. This draconian Bill does not reflect current values of freedom of speech. Why do Donor Families need to be directed to four activities, as stated in the proposed legislation, before we feel safe about what we have said?

And remember, it is what they have said about their loved one. He says:

In England their NHS provides for Donor Families and Recipients to meet where both parties are consenting. The meeting is controlled by the Organ and Tissue Donation offices which ensures it is done with the right processes in place. This provides both consenting parties the opportunity of helping with their respective challenges and it can be seen world wide on many stages the benefits—

of the UK process. So he asks:

Why is the Government of Australia so eager to ensure consenting parties can't meet? Especially as our donation consent rates are at an all time low—

He believes it is time to look at a fresh approach for the system. He also said to me:

If you want to know more about how this will affect Donor Families please read the submissions from the Senate Inquiry.

He concludes his letter to me by saying this:

When this bill comes before the Senate please oppose it on the grounds that it is restrictive and shows little respect for families already going through the pain of losing a loved one and it will further damage the already floundering consent rate in Australia.

For all of those reasons, it pains me to support this bill, but those on this side have chosen to support the bill because the intention is good. But, as Donor Families Australia have asked of us in this chamber: please look at further amendments to the bill, so that donor families can own and control their loved ones' information. That is denied in this current bill before this place. Secondly, they ask us to look at further amendments so that consenting donor families and consenting recipients can be assisted by DonateLife so that they can meet, where they are both consenting. I'm almost speechless—which doesn't happen very often—to think, in this day and age, that we would

prevent consenting donor and consenting recipient families to meet and share information about their loved ones—where they both consent to do so.

In conclusion, we know on this side of the chamber that the topic of organ donation is an emotional one and an important one. I would like to very much thank the families of organ donors and recipients for their submissions. I'd like to finish with the words of somebody else who made a submission to this inquiry. It was Mr Brian Myerson, OAM. He expressed frustration with this bill's apparent disregard for donor recipients and their families—the other side of the coin. He said the bill continues to 'deny the rights and liberties of donor families and organ transplant recipients' and continues:

These two groups have endured incredible hardships and suffering through sickness and death and are being denied the opportunity to divulge information about themselves and their loved ones as and when they wish. No liberal democracy should discriminate against these groups and should protect their basic rights such as freedom of assembly and free speech.

I will finish by reminding you of what Mr Bruce McDowell said to me in his letter.

... I am the Chairman of Donor Families Australia (DFA) and more importantly the father of Alysha who became a tissue donor on the 15th September 2008. (I wish to advise you in providing this information about my daughter, I acknowledge that I have contravened legislation.)

I think it is an indictment of those who rushed this bill through that it has been so poorly consulted and it hasn't been harmonised with state and territory legislation, and that for grieving parents—parents so proud their child has been a tissue donor—it is illegal to talk about their loved one in this way. So, while I and those on this side support the bill, I implore those opposite to listen to the words of organ donor families, the McDowells and the thousands of others and make further legislative changes to this legislation, so that no parent or family member has to say ever again: 'By talking about my loved one, I am contravening legislation of this nation.'

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (11:04): The Australian Organ and Tissue Donation and Transplantation Authority Amendment (Disclosure of Information) Bill 2023 amends the Australian Organ and Tissue Donation and Transplantation Authority Act 2008 to allow the Organ and Tissue Authority, DonateLife agencies, grant recipients and authorised family members to publish, disseminate or disclose information about diseased donors for the purposes of the Organ and Tissue Authority's community awareness, educational or commemorative activities. I also note that the Assistant Minister for Health and Aged Care has written to the Attorney-General to request a review of organ and tissue donation disclosure laws by the Australian Law Reform Commission. The Senate welcomes the proposed review by the Australian Law Reform Commission and asks that the terms of reference for the review be published as soon as practicable. The Senate notes the role of donor families in providing expertise to the reform of donation disclosure laws. I want to thank senators who've contributed to this debate for their thoughtful and generous comments and indicating their voting intention in relation to the bill, and I commend it to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (11:06): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator PATERSON (Victoria) (11:06): I just want to clarify the record. I've since had updated information from the shadow minister's office. The opposition no longer requires a committee stage and will be supporting the passage of the bill.

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (11:06): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator LIDDLE (South Australia) (11:07): I rise today to speak on the Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022. The coalition continues to

support it. The bill makes critical changes and updates to the existing legislation that governs the Aboriginal community at Wreck Bay and the Jervis Bay Territory. The bill is the result of much hard work that I am proud to say began under the previous coalition government. It is yet another example of the coalition's longstanding commitment to working with Indigenous communities to find the best solutions to the challenges they face. I am pleased that the work has continued under the current government and acknowledge the work of the local member and the Minister for Indigenous Australians, Linda Burney, for seeing it through to this conclusion. This bill will have a significant and positive impact for the people of the Wreck Bay community. We heard their concerns directly from them when they made representation at a Senate committee hearing. The bill will exempt certain leases granted by the council, those for a term of 40 years or more, from the application of the Residential Tenancies Act 1997. It will help to facilitate registered members voluntarily entering into a homeownership-style lease with the council and increase the payment amount at which the council must seek approval from the minister before entering into a contract, from \$100,000 to \$1 million. I also note the contribution of Senator Thorpe, whose suggestion for agreements to be provided in writing the coalition has supported.

This bill was introduced under the last term of government in largely identical form to the one before us today. Regrettably, it did not pass the parliament before the last election. This is the result of an extensive consultation process across two federal governments, a process which saw the community engaged to ensure that the best outcome was achieved for them, and that community consensus was reached. I've been informed that, shortly after she took the position of shadow minister for Indigenous Australians, my colleague Senator Jacinta Nampijinpa Price spoke with the Wreck Bay CEO and confirmed that this bill is what they want. It would be remiss of me not to point out that this outcome was achieved successfully using existing consultation and advisory processes. Governments formed of both major parties were able to use the National Indigenous Australians Agency and other existing pathways to extensively consult with the community and reach an outcome that the community approved of. The community of Jarvis Bay were heard. Their needs were listened to, and a suitable outcome was reached. This bill has been a long time coming. The people of Wreck Bay community don't want more talk. They want to see the change made. It's time we get this done. The opposition supports this bill.

(Quorum formed)

Debate interrupted.

NOTICES

Presentation

Senator Hanson to move on the next day of sitting:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 3 October 2023:

The activities of Aboriginal Community Services (ACS), with particular reference to:

(a) whether there was fraudulent usage of National Aboriginal and Torres Strait Islander Corporation (NATSIC) vehicles and fraudulent usage of NATSIC fuel cards and credit cards by current and former staff members and directors of ACS;

(b) whether any former NATSIC members and/or employees were in receipt of payments from ACS as contractors or employees;

(c) whether any of these former NATSIC members and/or employees were receiving WorkCover or other workers' compensation/insurance payments while being paid/employed by ACS;

(d) whether third party related member benefits were appropriately approved by membership and reconciled against grant agreements (approved, expended and reconciled in accordance with grant agreement requirements);

(e) whether employment of family members was appropriately approved by the membership and in accordance with conflict of interest requirements;

(f) whether taxation was avoided through the use of third party related member benefits, or income in the form of payments, incidental costs, including credit cards, and fringe benefits arrangements for staff and directors, and what property has been purchased as a result (for example, housing, vehicles, jewellery etc, subject to Proceeds of Crime legislation);

(g) whether unlawfully obtained income or benefits were used in the setup of trust accounts related to ACS or by any staff or directors of ACS;

(h) whether investigations, whether related to fraud or otherwise, have been undertaken by the relevant Commonwealth and state departments into the operation of ACS and current and former staff and directors of ACS, including their involvement in suspected fraud relating to other organisations and boards such as the Anangu Pitjantjatjara Yankunytjatjara Executive Board and NATSIC;

(i) any third party payments, including any payments made to consultancy firms, including James S Sturgeon Consultancy (ABN 55 592 208 638), Altitude Strategies Pty Ltd, NFP Success and other related entities;

(j) whether there are any financial conflicts in the provision of auditing services to ACS;

(k) whether the ACS board has complied with legislative governance requirements in regard to financial approvals, processes, reporting and transparency, including membership transparency requirements, for example, notifications to members for annual general meetings and whether ACS has met all requirements for legitimate annual general meetings;

(l) whether any current or former ACS staff and directors were unable to obtain appropriate working with vulnerable people and working with children's tickets in any jurisdiction across Australia;

(m) whether any current or former ACS board members have been paid in any form by ACS, including through income or by receiving benefits; and

(n) any other related matters.

COMMITTEES

Selection of Bills Committee

Report

Senator URQUHART (Tasmania—Government Whip in the Senate) (11:13): I present the ninth report of 2023 of the Selection of Bills Committee. I seek leave to have the report incorporated in *Hansard*.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2023

10 August 2023

MEMBERS OF THE COMMITTEE

Senator Anne Urquhart (Government Whip, Chair)
 Senator Wendy Askew (Opposition Whip)
 Senator Ross Cadell (The Nationals Whip)
 Senator Pauline Hanson (Pauline Hanson's One Nation Whip)
 Senator Nick McKim (Australian Greens Whip)
 Senator Ralph Babet
 Senator the Hon. Anthony Chisholm
 Senator the Hon. Katy Gallagher
 Senator Matt O'Sullivan
 Senator David Pocock
 Senator Paul Scarr
 Senator Lidia Thorpe
 Senator Tammy Tyrrell

Secretary: Tim Bryant 02 6277 3020

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2023

1. The committee met in private session on Wednesday, 9 August 2023 at 7.11 pm.
2. The committee recommends that—

(a) the *provisions* of the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2023 be *referred immediately* to the Education and Employment Legislation Committee for inquiry and report by 31 August 2023 (see appendix 1 for a statement of reasons for referral).

3. The committee deferred consideration of the following bills to its next meeting:

- Broadcasting Services Amendment (Ban on Gambling Advertisements During Live Sport) Bill 2023
- Counter-Terrorism and Other Legislation Amendment Bill 2023
- Copyright Legislation Amendment (Fair Pay for Radio Play) Bill 2023
- Criminal Code Amendment (Inciting Illegal Disruptive Activities) Bill 2023
- Electoral Legislation Amendment (Lowering the Voting Age) Bill 2023
- Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020
- Fair Work Amendment (Right to Disconnect) Bill 2023 [No. 2]
- Freeze on Rent and Rate Increases Bill 2023
- Members of Parliament (Staff) Amendment Bill 2023

- Migration Amendment (Overseas Organ Transplant Disclosure and Other Measures) Bill 2023
 - Parliamentary Workplace Support Service Bill 2023
 - Parliamentary Workplace Support Service (Consequential Amendments and Transitional Provisions) Bill 2023
 - Productivity Commission Amendment (Electricity Reporting) Bill 2023
 - Protecting the Spirit of Sea Country Bill 2023
 - Social Services and Other Legislation Amendment (Australia's Engagement in the Pacific) Bill 2023.
4. The committee considered the following bills but was unable to reach agreement:
- Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023
 - Housing Australia Future Fund Bill 2023 [No. 2]
 - National Housing Supply and Affordability Council Bill 2023 [No. 2]
 - Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 [No. 2]
 - Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023.

(Anne Urquhart)

Chair

10 August 2023

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:

Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2023

Reasons for referral/principal issues for consideration:

Scrutiny of changes to employment services legislation

Possible submissions or evidence from:

Employment service providers, Economic Justice Australia

Committee to which bill is to be referred:

Education and Employment

Possible hearing date(s):

Inquiry on the papers

Possible reporting date:

1 September 2023

(signed)

Nick McKim

Senator URQUHART: I move:

That the report be adopted.

Senator DAVID POCOCK (Australian Capital Territory) (11:13): I move:

At the end of the motion, add:

"but, in respect of the Copyright Legislation Amendment (Fair Pay for Radio Play) Bill 2023, the bill be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 June 2024".

Question agreed to.

Senator McKIM (Tasmania—Australian Greens Whip) (11:14): I move:

At the end of the motion, add:

"and, in respect of the Housing Australia Future Fund Bill 2023 [No. 2], the National Housing Supply and Affordability Council Bill 2023 [No. 2] and the Treasury Laws Amendment (Housing Measures No. 1) Bill 2023 [No. 2], the provisions of the bills be referred immediately to the Economics Legislation Committee for inquiry and report by 24 October 2023".

The DEPUTY PRESIDENT: The question is that the amendment moved by Senator McKim be agreed to.

The Senate divided. [11:19]

(The Deputy President—Senator McLachlan)

Ayes.....33
 Noes.....23
 Majority10

AYES

Antic, A.	Babet, R.	Bragg, A. J.
Brockman, W. E.	Cadell, R. (Teller)	Canavan, M. J.
Cash, M. C.	Colbeck, R. M.	Cox, D.
Davey, P. M.	Duniam, J. R.	Faruqi, M.
Hanson-Young, S. C.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McGrath, J.	McKenzie, B.	McKim, N. J.
McLachlan, A. L.	O'Sullivan, M. A.	Paterson, J. W.
Rennick, G.	Reynolds, L. K.	Rice, J. E.
Roberts, M. I.	Ruston, A.	Scarr, P. M.
Smith, D. A.	Waters, L. J.	Whish-Wilson, P. S.

NOES

Ayres, T.	Bilyk, C. L.	Brown, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Lambie, J.
McAllister, J. R.	O'Neill, D. M.	Payman, F.
Pocock, D. W.	Polley, H.	Sheldon, A. V.
Sterle, G.	Stewart, J. N. A.	Thorpe, L. A.
Tyrrell, T. M.	Urquhart, A. E. (Teller)	Walsh, J. C.
Watt, M. P.	White, L.	

Question agreed to.

Senator BABET (Victoria—United Australia Party Whip) (11:22): I move:

At the end of the motion, add:

"and, in respect of the Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023, the bill be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 18 March 2024"

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for five minutes.

Senator BABET: Earlier today we debated in this place my private senator's bill and what a debate it was, ladies and gents. It is important that my bill is referred to the Finance and Public Administration Legislation Committee. This bill deserves due process. The elected members in this place deserve more information on the issue of indemnity. The legal and financial implications must be fully examined prior to my bill progressing to a vote. In the interests of transparency and accountability, I seek the support of everyone here in this place to refer this bill to committee. It is very important. Obviously, we have seen what has happened over the last three years and we have to do our bit to set things right, thank you.

The DEPUTY PRESIDENT: The question before the Senate is the amendment moved by Senator Babet.

The Senate divided. [11:27]

(The Deputy President—Senator McLachlan)

Ayes.....	39
Noes.....	16
Majority.....	23

AYES

Antic, A.	Babet, R.	Bragg, A. J.
Brockman, W. E.	Cadell, R. (Teller)	Canavan, M. J.
Cash, M. C.	Colbeck, R. M.	Cox, D.
Davey, P. M.	Duniam, J. R.	Faruqi, M.
Hanson-Young, S. C.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Lambie, J.

Liddle, K. J.
McKim, N. J.
Paterson, J. W.
Reynolds, L. K.
Ruston, A.
Smith, D. A.
Van, D. A.

McGrath, J.
McLachlan, A. L.
Pocock, D. W.
Rice, J. E.
Scarr, P. M.
Thorpe, L. A.
Waters, L. J.

McKenzie, B.
O'Sullivan, M. A.
Rennick, G.
Roberts, M. I.
Shoebridge, D.
Tyrrell, T. M.
Whish-Wilson, P. S.

NOES

Ayres, T.
Farrell, D. E.
Grogan, K.
Payman, F.
Urquhart, A. E. (Teller)
White, L.

Brown, C. L.
Gallagher, K. R.
McAllister, J. R.
Polley, H.
Walsh, J. C.

Chisholm, A.
Green, N. L.
O'Neill, D. M.
Stewart, J. N. A.
Watt, M. P.

Question agreed to.

Senator RUSTON (South Australia—Manager of Opposition Business in the Senate) (11:30): I move:

At the end of the motion, add:

"and, in respect of the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023, the provisions of the bill be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 13 September 2023".

Question agreed to.

Original question, as amended, agreed to.

BUSINESS

Leave of Absence

Senator URQUHART (Tasmania—Government Whip in the Senate) (11:32): by leave—I move:

That leave of absence be granted to Senator McCarthy for today, for personal reasons.

Question agreed to.

Leave of Absence

Senator VAN (Victoria) (11:32): by leave—I move:

That leave of absence be granted to Senator Van for 16 to 22 June 2023, 7 to 8 August 2023 and 4 to 14 September 2023, for personal reasons.

Question agreed to.

NOTICES

Withdrawal

Senator LAMBIE (Tasmania) (11:33): Due to the lack of transparency from both major parties at this point in time, I withdraw notice of motion No. 294 for today only.

BUSINESS

Rearrangement

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (11:33): I move:

That—

- (a) government business orders of the day as shown on today's *Order of Business* be considered from 12.15 pm;
- (b) government business then be called on and considered till not later than 1.30 pm; and
- (c) general business notice of motion no. 277 be considered during general business today.

Question agreed to.

NOTICES

Postponement

The Clerk: A postponement notification has been lodged as follows:

Business of the Senate notice of motion No. 1 in the name of Senator Ruston and others, postponed to 4 September 2023.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (11:34): I require that the question be put on the postponement of business of the Senate notice of motion No. 1.

The PRESIDENT: The question is that business of the Senate notice of motion No. 1 be postponed until 4 September 2023.

The Senate divided. [11:38]

(The President—Senator Lines)

Ayes.....27
Noes.....30
Majority.....3

AYES

Antic, A.	Babet, R.	Bragg, A. J.
Brockman, W. E.	Cadell, R.	Canavan, M. J.
Cash, M. C.	Colbeck, R. M.	Davey, P. M.
Duniam, J. R.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McGrath, J.	McKenzie, B.	O'Sullivan, M. A. (Teller)
Paterson, J. W.	Rennick, G.	Reynolds, L. K.
Roberts, M. I.	Ruston, A.	Scarr, P. M.
Smith, D. A.	Tyrrell, T. M.	Van, D. A.

NOES

Brown, C. L.	Chisholm, A.	Ciccone, R.
Cox, D.	Faruqi, M.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lambie, J.	Lines, S.	McAllister, J. R.
McKim, N. J.	O'Neill, D. M.	Payman, F.
Pocock, D. W.	Polley, H.	Rice, J. E.
Sheldon, A. V.	Shoebridge, D.	Smith, M. F.
Sterle, G.	Stewart, J. N. A.	Thorpe, L. A.
Urquhart, A. E. (Teller)	Walsh, J. C.	Waters, L. J.
Watt, M. P.	Whish-Wilson, P. S.	White, L.

Question negatived.

BILLS

Legalise Cannabis Bill 2022

First Reading

Senator SHOEBRIDGE (New South Wales) (11:41): I move:

That the following bill be introduced: A Bill for an Act to provide for the registration of cannabis strains, the regulation of cannabis and the establishment of the Cannabis Australia National Agency, and for related purposes.

Question agreed to.

Senator SHOEBRIDGE: I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator SHOEBRIDGE (New South Wales) (11:42): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator SHOEBRIDGE: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

There is nothing so powerful in all the world as an idea whose time has come.

Today I am delighted to be introducing The Greens Legalising Cannabis Bill 2023 to permit the adult recreational use of cannabis across the country.

This is the time to make this happen and it is a historic moment.

With just a sprinkling of political courage and collaboration mixed with a truckload of common sense we can make this law because it's time to end the war on cannabis.

It's time to stop pretending that consumption of this plant, consumed each year by literally millions of Australians, should still be seen as a crime.

It's time to seize the many opportunities that legalisation poses. This includes the \$28 billion in public revenue, with provisions for a 15% Cannabis Sales Tax that can be initiated in the Lower House, that the Parliamentary Budget Office has told us legalisation can bring in in the first 9 years of operation.

It is the chance for tens of thousands of quality green jobs, new small businesses, enriched regional economies and the boon for tourism that will come with establishing a totally new legal industry. It is the opportunity to regulate the quality, strength and safety of a product that millions of Australians are already using, and it's the chance to radically reduce harm, literally overnight, by saving some 80,000 Australians a year from being caught up in the criminal justice system for possession of cannabis.

This move is based on legal advice which shows legalisation in the manner proposed in this Bill, through the registration and licensing of cannabis strains, is constitutionally valid at the Federal level.

Importantly we bring this bill to Parliament after having already taken it to the community to gauge their support and to benefit from the detailed submissions of almost nine thousand people who told us what they thought of our first draft of the bill and how it could be improved. We also received thousands of phone calls, emails and social media messages about the proposal.

Using the collective wisdom of these thousands of contributors who shared their knowledge and experience with us, we have refined the bill, strengthened it where necessary and believe we are now tabling the most popular and effective bill possible to legalise cannabis across Australia.

I'm so grateful for everyone who has taken the time to engage with this process and shared their expertise and lived experience. I hope that you all understand what an important part you have played in bringing us to this point. In many ways this is as much a bill owned by the thousands of committed supporters and campaigners as it is by the Greens or the parliament itself. This is a genuine moment of grassroots social reform pushing its way up through Parliament.

Everyone knows that it is not a matter of if we legalise cannabis in Australia, it's a matter of when, and today we're taking a huge step forward.

Before we dive into the legal technicalities of the bill let's take a step back and imagine the world, the very near world, where we have legalised cannabis in the way we are planning.

That's a world where you can pop by a cannabis cafe after work for a brownie or a tea to have some nice chilled out chats with mates. There is no push and shove, no aggression, just a relaxed time with friends helped along by trained staff who know how to responsibly serve cannabis.

It's a world where young people can go to a music festival and not be confronted by a wall of drug dogs.

It's a world where you can grab a gummy before a flight to calm your nerves.

Where a First Nations person can run a cannabis cafe in their local area, providing products that are safe, legal and grown on country. In that world their job is secure, the police don't hassle them and everyone wins.

It's a world where any adult who chooses can grow a few plants at home for their own consumption without worrying about a knock at the door from the police.

It's a world where consumers are informed, where products are safe and people know exactly what it is they are putting in their bodies.

To get to this world we need to legalise, not just decriminalise, cannabis. Under decriminalisation it is not a serious crime to possess cannabis but it is a serious crime to grow, manufacture or distribute it. This type of reform still gives police the discretion to search and prosecute, and it means no one can safely open a cannabis business. The experience around the world has shown

this just isn't enough to rebalance the scales of justice. We need a model where people can legally grow cannabis, legally buy and sell cannabis, and legally consume cannabis. That's what The Greens are putting forward today.

We also see the obvious benefits in a single national legal market. This not only allows for a national justice win, it also means we will have a single well-regulated and coherent national market. While the moves by such a large number of US states to legalise cannabis have been extremely positive, the lack of a national market there has produced some unhelpful friction points at borders and ongoing tensions between State and Federal laws.

But at an even more fundamental level a national legal market just makes so much sense from a practical and justice perspective. Why should you be able to grow a plant in the ACT but not 10 minutes away in Queanbeyan? It makes no sense.

As we consulted on this reform we heard loud and clear that many people want the option of being able to grow a small amount of cannabis at home for personal use. That is why this bill permits the growing of up to 6 plants in a household for personal use without needing a license or paying any taxes or fees. There is also of course the opportunity to be part of a co-op and, with a licence, grow more than this for consumption or sale.

We know the community doesn't want an overly corporatised world which is why we've limited the involvement of corporate players explicitly excluding alcohol, tobacco and pharmaceutical companies, and created opportunities for co-ops, for boutique cannabis cafes providing a chill experience for their customers, and for local dispensaries who know their communities and can provide knowledgeable information including on safe consumption. In short we are putting forward a plan to not just create a new market, but to do all we can to democratize that market and fairly share the opportunities and wealth that come with it.

We of course recognise the unique skill and expertise of those involved in medicinal cannabis already, and the bill contains an explicit exception to the prohibition on pharmaceutical companies engaging in the cannabis market, to permit licensed medical cannabis providers to legally operate in the recreational market.

When talking to the community about this proposal we've heard how overseas experience can frame this bill to make a world best practice scheme. There is a strong preference from overseas experiences that the bill offer a choice of products, clear labelling and knowledgeable service with advice around consumption and dose. People particularly like experiences with dispensaries and cannabis cafes and our model seeks to make these a core part of the legal market here.

While there is no doubt many politicians and commentators who want to stereotype people who choose to consume cannabis, we know that the support for this bill is very diverse across communities. Of interest is the fact that among those thousands of people we heard from, smoking is not likely to be the primary method of cannabis consumption. Our research shows that edibles, oils and tinctures are strongly favoured forms of consumption and we know from international experience that this trend away from smoking will only increase once a more sophisticated legal market is established.

You've told us you want to know what you're putting in your bodies. That is why the bill contains strong powers in the new national regulator to determine, by legislative instrument, requirements for labelling, packing and storage of cannabis products which could include requirements for clear labelling of cannabis products to include information on strength and quality, as well as growing conditions, safety and dosage information.

Whatever some police or cynical politicians might say, it's a hell of a lot safer to buy quality labelled weed from the budtender at your local cannabis cafe than a bag of who-knows-what from Crusher from your local organised crime gang.

For anyone who says it won't work, it's time to take a look around—the war on drugs is an abject failure, unless you consider over-policing of marginalised communities and providing billion dollar income streams for organised crime to be a success.

It's time to stop treating people who want to consume a plant as criminals.

The world has moved on and it's time for Australia to catch up. We could do this now, or we could kick it around for another decade while claiming it's all too hard. I know what option we're choosing and we're bringing millions of Australians with us. The time for legalising cannabis has come. Let's get it done!

I turn now to the mechanics of the Legalising Cannabis Bill 2023.

The bill works by establishing the Cannabis Australia National Agency (CANA), which will have responsibility for licensing and regulating cannabis trade. The Cannabis Australia National Agency will have power to determine labelling, packaging and storage requirements for cannabis products including for example child safe packaging.

The Agency will have a CEO appointed by the Minister and staff. It is explicitly tasked with acting in the public interest, maintaining the register of strains of cannabis, issuing and overseeing licences, being available to test cannabis products as needed, seeking data about cannabis sales and use, approving responsible service of cannabis training, advising the Minister of the operations of the Act and any other functions as needed.

The scheme is grounded in a national cannabis register, compiled and operated by CANA. Under the bill people, or CANA on its own initiative, can register cannabis strains. Once a strain is registered it is open to be licensed for growing, manufacturing, selling and consuming. Licenses to undertake any of these cannabis related activities can be granted to any suitable person who applies, not just those who register the cannabis strain.

The registering of cannabis strains has no impact on existing intellectual property rights and it is the intention that strains registration will start with strains in the public commons.

Once law, the provisions of the bill that provide for the legal growing, manufacturing and consuming of cannabis would apply across the country, and override state laws to the extent they are inconsistent. The ultimate effect of this is to provide for a single, legal, national cannabis market.

The scheme leaves in place the existing medicinal cannabis laws and allows that market to continue without changes.

The legislation permits the issuing of licenses for cannabis sales including through dispensaries or cannabis cafes. At cannabis cafes any consumption by smoking has to be outside and is subject to applicable local laws around smoking. License conditions will include mandatory Responsible Service of Cannabis training and implementation.

We recognise that there needs to be consequences for breaches of the scheme for it to have a social license. Under the bill it remains an offence to import or export cannabis products unless authorised by a license. Without authorisation it is also unlawful to grow cannabis plants except where grown at home as part of the 6 plant cap for personal use. Unauthorised growing or sale of cannabis will be an offence with a maximum penalty of 6 months imprisonment or 200 penalty units.

It will not be an offence to sell small quantities of cannabis of a value of less than \$50 so as not to unintentionally criminalise small scale sharing amongst friends. There are anti avoidance provisions in the bill to prevent businesses exploiting this exception by structuring a business to make large numbers of unlicensed small sales.

It's also not permitted to manufacture cannabis products except under a licence or for personal use. Again the bill contains provisions to allow for personal or non commercial sharing of a manufactured cannabis product, such as cannabis brownies or a cannabis cake, with friends or others in a non-commercial social setting.

To ensure the bill does not perpetuate the harms of the war on drugs against young people, but to also provide meaningful provisions to prevent access by minors, the bill provides that if a person aged under 18 is found in possession of cannabis the penalty is simply confiscation of the product.

The bill retains a criminal offence of selling cannabis to minors where the person knows, or is reckless as to whether or not, the other person is under 18 years of age. The maximum penalty that applies to this is imprisonment for 6 months or 200 penalty units, or both.

We also want to learn the lesson from tobacco, alcohol and gambling industries and stop a potential barrage of on-line and broadcast advertising from the beginning of the scheme. To this end the bill has a comprehensive prohibition on cannabis advertising with two targeted exceptions. The first is to allow point of sale advertising to encourage product development, product differentiation and to expand consumer information and choice. The second is to permit a limited online presence by a licensed cannabis cafe and in a form permitted by the regulations to allow people who cannot readily access a physical care or dispensary to access cannabis.

The Legalising Cannabis Bill 2023 is a chance for politics to show it can listen, it can work across traditional divides, and it can act in the public interest. No one, apart from bike gangs and organized crime, benefits from the endless war on cannabis. This is the time to end that war and instead build a new and vibrant legal cannabis industry that is safer, more democratic and with a powerful social licence.

Then once we do that, by all means, let's have a long and hard political arm wrestle on where best to spend the first \$28 billion in public revenue. I'm making a starting bid for schools, First Nations justice and climate action.

I commend the bill to the House.

Senator SHOEBRIDGE: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Office of National Intelligence

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (11:43): I move:

That there be laid on the table by the Minister representing the Prime Minister, by no later than 5 pm on Thursday, 7 September 2023:

(a) any report, analysis or assessment undertaken by the Office of National Intelligence on the risk that climate change poses to Australia's national security in the period 21 May 2022 to 21 May 2023; and

(b) papers and briefs prepared by the Department of the Prime Minister and Cabinet in relation to any such report.

The PRESIDENT: The question is that general business notice of motion No. 283, standing in the name of Senator David Pocock, be agreed to.

The Senate divided. [11:48]

(The President—Senator Lines)

Ayes.....14
 Noes.....31
 Majority.....17

AYES

Babet, R.

Cox, D.

Faruqi, M.

Hanson-Young, S. C.
Pocock, D. W. (Teller)
Shoebridge, D.
Waters, L. J.

Lambie, J.
Rice, J. E.
Thorpe, L. A.
Whish-Wilson, P. S.

McKim, N. J.
Roberts, M. I.
Tyrrell, T. M.

NOES

Ayres, T.
Cash, M. C.
Duniam, J. R.
Grogan, K.
Lines, S.
O'Neill, D. M.
Payman, F.
Ruston, A.
Smith, M. F.
Urquhart, A. E.
White, L.

Bragg, A. J.
Chisholm, A.
Gallagher, K. R.
Henderson, S. M.
McAllister, J. R.
O'Sullivan, M. A. (Teller)
Polley, H.
Scarr, P. M.
Sterle, G.
Walsh, J. C.

Brown, C. L.
Ciccione, R.
Green, N. L.
Liddle, K. J.
McKenzie, B.
Paterson, J. W.
Reynolds, L. K.
Sheldon, A. V.
Stewart, J. N. A.
Watt, M. P.

Question negatived.

**Office of National Intelligence
Order for the Production of Documents**

Senator SHOEBRIDGE (New South Wales) (11:51): I move:

That there be laid on the table by the Minister representing the Prime Minister, by no later than 4 September 2023, a declassified version of the climate and security risk report prepared by the Office of National Intelligence and provided to the Government in late 2022.

The PRESIDENT: The question is that general business notice of motion No. 285, standing in the name of Senator Shoebridge, be agreed to.

The Senate divided. [11:56]

(The President—Senator Lines)

Ayes.....14
Noes.....31
Majority.....17

AYES

Babet, R.
Hanson-Young, S. C.
Pocock, D. W.
Shoebridge, D.
Waters, L. J.

Cox, D.
Lambie, J.
Rice, J. E.
Thorpe, L. A.
Whish-Wilson, P. S.

Faruqi, M.
McKim, N. J. (Teller)
Roberts, M. I.
Tyrrell, T. M.

NOES

Bragg, A. J.
Chisholm, A.
Gallagher, K. R.
Henderson, S. M.
McAllister, J. R.
O'Neill, D. M.
Payman, F.
Ruston, A.
Smith, M. F.
Urquhart, A. E.
White, L.

Brown, C. L.
Ciccione, R.
Green, N. L.
Liddle, K. J.
McKenzie, B.
O'Sullivan, M. A. (Teller)
Polley, H.
Scarr, P. M.
Sterle, G.
Walsh, J. C.

Cash, M. C.
Duniam, J. R.
Grogan, K.
Lines, S.
McLachlan, A. L.
Paterson, J. W.
Reynolds, L. K.
Sheldon, A. V.
Stewart, J. N. A.
Watt, M. P.

Question negatived.

**First Nations Australians: Cultural Heritage
Order for the Production of Documents**

Senator DUNIAM (Tasmania—Deputy Manager of Opposition Business) (11:59): I move:

That there be laid on the table by the Minister representing the Minister for the Environment and Water, by no later than midday on Monday, 4 September 2023:

(a) a list of dates, since 31 May 2022, on which the Minister for the Environment and Water has formally met with the First Nations Heritage Protection Alliance to discuss Indigenous cultural heritage protection laws;

(b) a copy of the second options paper on 'First Nations cultural heritage protection reform' that was scheduled, in mid 2022, to be completed by early 2023;

(c) a list of dates, since 1 July 2022, on which the Minister for the Environment and Water formally met with interested members of the community to discuss Indigenous cultural heritage protection laws;

(d) a list of attendees and dates, since 1 July 2022, of meetings between the Minister for the Environment and Water and business and industry representatives to discuss Indigenous cultural heritage protection laws;

(e) any emails, file notes, briefing materials and other written correspondence between the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the Minister for the Environment and Water, since 31 May 2022, on the subject of Indigenous cultural heritage protection laws; and

(f) any documents, including minutes, agendas and communiques, related to formal meetings of DCCEEW staff and the First Nations Heritage Protection Alliance since 30 September 2022.

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (11:59): I seek leave to make a short statement.

The PRESIDENT: Leave is allowed for one minute.

Senator CHISHOLM: The government will not be supporting this motion. We are happy to offer the senator a detailed briefing on the status of cultural heritage reforms if he is interested. We are happy to speak to him about the process that was started by his colleague the former minister for the environment. It is being conducted in partnership with the First Nations organisation that the Liberal Party originally contacted to provide advice, and it builds on a parliamentary inquiry that was chaired by the Liberal member for Leichhardt. This process is in its early stages. We are conducting a thorough and thoughtful consultation. We will be consulting with business, farmers, environment groups and others as we go. Everyone will have the chance to have their say. We do not believe this is an efficient use of departmental and parliamentary resources, when the briefing offer remains open. We're very happy to discuss this situation with the senator whenever he is ready.

The PRESIDENT: The question is that general business notice of motion No. 296 standing in the name of Senator Duniam be agreed to.

The Senate divided. [12:05]

(The President—Senator Lines)

Ayes.....28
Noes.....28
Majority.....0

AYES

Antic, A.
Brockman, W. E.
Cash, M. C.
Henderson, S. M.
Lambie, J.
McKenzie, B.
Paterson, J. W.
Roberts, M. I.
Smith, D. A.
Van, D. A.

Babet, R.
Cadell, R.
Colbeck, R. M.
Hughes, H. A.
Liddle, K. J.
McLachlan, A. L.
Rennick, G.
Ruston, A.
Thorpe, L. A.

Bragg, A. J.
Canavan, M. J.
Duniam, J. R.
Kovacic, M.
McGrath, J.
O'Sullivan, M. A. (Teller)
Reynolds, L. K.
Scarr, P. M.
Tyrrell, T. M.

NOES

Bilyk, C. L.
Cicccone, R.
Gallagher, K. R.
Hanson-Young, S. C.
McKim, N. J.
Pocock, D. W.
Sheldon, A. V.
Sterle, G.
Walsh, J. C.
White, L.

Brown, C. L.
Cox, D.
Green, N. L.
Lines, S.
O'Neill, D. M.
Polley, H.
Shoebridge, D.
Stewart, J. N. A.
Waters, L. J.

Chisholm, A.
Faruqi, M.
Grogan, K.
McAllister, J. R.
Payman, F.
Rice, J. E.
Smith, M. F.
Urquhart, A. E. (Teller)
Whish-Wilson, P. S.

Question negatived.

COMMITTEES

Finance and Public Administration References Committee

Reference

Consideration resumed.

The PRESIDENT (12:09): The Senate will now proceed to a division on the motion moved by Senator Thorpe to the proposed reference to the Finance and Public Administration References Committee relating to Aboriginal land councils. The question is that the question be now put.

Question agreed to.

The PRESIDENT: The question now is the amendment moved by Senator Thorpe be agreed to.

The Senate divided. [12:14]

(The President—Senator Lines)

Ayes.....27
Noes.....26
Majority.....1

AYES

Antic, A.
Brockman, W. E.
Cash, M. C.
Duniam, J. R.
Kovacic, M.
McGrath, J.
Pocock, D. W.
Roberts, M. I.
Smith, D. A.

Babet, R.
Cadell, R. (Teller)
Colbeck, R. M.
Henderson, S. M.
Lambie, J.
McLachlan, A. L.
Rennick, G.
Ruston, A.
Thorpe, L. A.

Bragg, A. J.
Canavan, M. J.
Davey, P. M.
Hughes, H. A.
Liddle, K. J.
O'Sullivan, M. A.
Reynolds, L. K.
Scarr, P. M.
Tyrrell, T. M.

NOES

Bilyk, C. L.
Cicccone, R.
Gallagher, K. R.
Lines, S.
O'Neill, D. M.
Rice, J. E.
Smith, M. F.
Urquhart, A. E. (Teller)
Whish-Wilson, P. S.

Brown, C. L.
Cox, D.
Grogan, K.
McAllister, J. R.
Payman, F.
Sheldon, A. V.
Sterle, G.
Walsh, J. C.
White, L.

Chisholm, A.
Faruqi, M.
Hanson-Young, S. C.
McKim, N. J.
Polley, H.
Shoebridge, D.
Stewart, J. N. A.
Waters, L. J.

Question agreed to.

The PRESIDENT (12:16): Further consideration will take place at item 13 on the Order of Business. It being 12.15 pm, we move to government business.

BILLS

Greenhouse and Energy Minimum Standards Amendment (Administrative Changes) Bill 2023

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator DUNIAM (Tasmania—Deputy Manager of Opposition Business) (12:17): It's a delight to be able to speak to the Greenhouse and Energy Minimum Standards Amendment (Administrative Changes) Bill 2023, and it's great to be sharing this time with my good friend and colleague Senator Brown, who I've worked so closely with on so many issues, so that is an excellent start to this debate.

The coalition welcomes the introduction of this bill. The legislation has been designed to improve and to streamline the functionality of the Greenhouse and Energy Minimum Standards Regulator, known as the GEMS Regulator. The GEMS Regulator works to reduce Australia's energy consumption and greenhouse gas emissions via the application of a nationally consistent framework which regulates the energy efficiency of products. This framework allows for nationally consistent labelling requirements to increase Australians awareness and provide information on energy efficient appliance choices, and also to reduce greenhouse gas emissions and lower energy consumption and therefore, most importantly, energy bills.

Most of us would recognise the energy-efficient star system on our fridge or our dishwasher. And while the review found that the act was effective in reducing energy use, energy bills and greenhouse gas emissions, and delivering these benefits in a streamlined, nationally consistent way, there were opportunities identified to add flexibility to the scheme, reduce impacts on the regulated community and allow it to adapt to changing market conditions and technology improvements.

The main purpose of the amendments contained in this bill are to act on some of the recommendations of the independent review and improve the implementation of the act through improving the regulator's performance and further reducing administrative burden. The coalition accepted the findings of the review when in government and continue to be supportive of the direction and aim of the GEMS Regulator.

The potential concerns surrounding this bill have been investigated through industry consultation and also a Senate standing committee on environment and communications inquiry. The coalition considered the potential impact on consumer prices, consumer choice and market competition and came to the conclusion that this bill would not influence such factors directly in a negative way. This bill does not in fact give the regulator power to alter standards, so if any substantive change were to be made which may risk high prices, less choice or restricted competition, this would come through a separate legislative instrument which we would review, as you would expect, on a case-by-case basis.

While submissions to the committee were largely supportive of the amendments, as was the feedback from the coalition's consultation directly with industry, we investigated concerns raised by the Airconditioning and Refrigerant Equipment Manufacturers Association, AREMA, and raised them through the committee and with government. We'd like to thank government senators and other committee members for their good-faith interactions with the opposition in allaying the various concerns that were raised, including those raised by AREMA and other stakeholders, by providing a detailed briefing through DCCEEW, the Department of Climate Change, Energy, the Environment and Water, and in particular the GEMS regulator team.

Following consultation, the coalition believe the stated aims of the bill will be met through these proposed amendments. We welcome the bill, as it's a practical and logical measure in its ability to, firstly, lessen administrative burden; secondly, improve response time to industry applicants; thirdly, align with international product categories; and, fourthly, provide more flexible application of the intention of the act. We thank the government for bringing this bill to the parliament.

Senator CAROL BROWN (Tasmania—Assistant Minister for Infrastructure and Transport) (12:21): The bill before the Senate, the Greenhouse and Energy Minimum Standards Amendment (Administrative Changes) Bill 2023, will improve the administration of the Greenhouse and Energy Minimum Standards Act 2012 for both industry and government to the ultimate benefits of consumers and the climate. The government acknowledges the

constructive engagement of the opposition and the crossbench, and thanks officials for their work. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The PRESIDENT (12:22): There are no amendments, so I call the minister.

Senator CAROL BROWN (Tasmania—Assistant Minister for Infrastructure and Transport) (12:22): I move: That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

(Quorum formed)

Senator COX (Western Australia) (12:25): I rise to speak on the Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022. This bill brings so much that's needed in the way of change to a unique jurisdiction—that is, Jervis Bay. Jervis Bay sits in New South Wales, but it actually falls under the ACT's laws, although it is not part of the ACT. But their federal member is the member for Fenner, who is in the ACT, so it is actually a bit of a strange situation. They don't vote in the state or territory elections, and this means that the Commonwealth has a unique responsibility to the area. What this bill seeks to do is to improve the council's governance and corporate operations with a number of changes. It will amend outdated and unclear provisions and remove them altogether to provide more clarity on this act. The bill is also to amend the payment amount for which the Wreck Bay Aboriginal Community Council needs to seek approval before entering into a contract from \$100,000 to \$1 million, which will bring it into line with other land councils around the country, and to facilitate homeownership-style leases, where leases with terms of 40 years or more will be exempt from the ACT's Residential Tenancies Act.

While the Greens support this bill, we believe it could have gone further in placing the rights of traditional owners front and centre because ultimately that is what we First Nations people have been fighting for and there is so much that needs to be done in this space to ensure the equity of First Nations people across the country, so that is an issue that is much bigger than just the piece of legislation that we currently have before us. We have heard from stakeholders that this bill is more focused on streamlining processes, rather than strengthening the rights of traditional owners. I want to be clear that they are not mutually exclusive. Both streamlining processes and strengthening the rights of traditional owners can and should happen at the same time.

This act needs modernisation, which this bill provides, and, despite the concerns that this bill does not go far enough in strengthening those traditional owners' rights, there has been a long consultation co-design process. This is welcomed, and the Greens would like to ensure that this happens for all pieces of legislation regarding First Nations people and it is not just about consulting a voice after we have a successful referendum. There is more work to do to have the ability to reach out at a community level. Legislation needs to be created alongside the people it will impact so that they can tell the government directly what is not working and what needs to be changed in the areas where there are unintended consequence because these should be taken into consideration and fixed. It is so important that we are beginning to truly draw on how First Nations culture can operate alongside and within to improve Commonwealth law.

I want to acknowledge the role that the Wreck Bay Aboriginal Community Council plays, particularly in the Jervis Bay Territory. Under the act that this bill is seeking to amend, the council has responsibility for areas such as housing, education, heritage and employment. Council is doing quite a lot, and so it is vital that it has the appropriate processes and governance in place to ensure it is able to fulfil these obligations and responsibilities for the benefit of the First Nations community. One particular need within the community is housing because so much of the housing stock in the Wreck Bay community is, in fact, not up to standard. This is, unfortunately, all too common for First Nations communities across Australia. It's estimated that \$60 million worth of work needs to be done in just the upgrades to housing in Wreck Bay alone. It's all well and good that this bill seeks to help people to have homeownership-style leases; however, there must be good-quality and well-maintained houses for people to move

into. As you know, we are in a devastating housing crisis. Yet, the government's bill will see the crisis gets worse. Instead of coming to the table in good-faith negotiations, we're seeing the government playing games on this one.

The Greens are calling for an immediate freeze on rent increases for two years and a limit on rent increases after that, so people aren't faced with eviction due to unfair rent hikes. The Greens are also calling on the government to continue to invest at least \$2.5 million a year for the building of public and genuinely affordable housing to ensure we are not only clearing the waitlist for public housing but are providing good-quality housing as rent subsidised homes. This includes First Nations communities around this country. Labor's plan will make the rental and housing crisis worse—there's been little mention of the needs of First Nations housing in places like Wreck Bay—right across the country, particularly in regional and rural Australia. The Greens won't stop fighting on behalf of tens of thousands of people in rental stress that will be left behind under the government's current housing policy.

The Greens hope that this bill will provide the Wreck Bay Aboriginal Community Council with the updated processes it needs to conduct its business efficiently and for the benefit of its community. We look forward to further measures to improve First Nations rights.

Senator THORPE (Victoria) (12:31): I rise to speak to the Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022. This bill doesn't deal just with governance arrangements for the Wreck Bay community but also, importantly, with housing in a community which has been confronted by very poor standards of housing for a long time. The bill introduces changes to long-term leases to establish ownership-style leases.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Senator Thorpe, can I ask you to take your take your seat? While I acknowledge the beauty of the flag that you're wearing, I think it would be good if you had a jacket that you might be able to pop on.

Senator THORPE: You've got two flags behind you, with all due respect. I wasn't aware that the Aboriginal flag wasn't allowed in the Senate chamber.

The ACTING DEPUTY PRESIDENT: I'm delighted that it's actually here. But that you're wearing it is a little different from it being in the chamber. I just draw your attention to that. Perhaps the President might have a view on that. I'll give you the call to continue your remarks.

Senator THORPE: It's just that I have a tattoo of an Aboriginal flag on the back of my arm as well, which I won't be able to remove. So, where do we draw the line?

The ACTING DEPUTY PRESIDENT: That's a very good question. I will seek the advice of the President. Please continue your remarks. Thank you.

Senator THORPE: Thank you. This bill introduces changes to long-term leases to establish ownership-style leases. The affected properties will hereby become exempt from the ACT's Residential Tenancies Act, and the WBACC will no longer hold responsibility for necessary maintenance and repair of these properties. This caused concern in the community that properties, many of which are in very bad shape, would be handed over into these new homeownership-style leases, with the tenants then being responsible for potentially very extensive and costly repairs and maintenance. I'm therefore glad that the government reacted to the concerns raised through an allocation of \$45.1 million over eight years, to 2031-32, to rectify the disrepair in these houses. The government has also provided a reassurance that it will cover any repair costs required beyond that commitment, as we know that estimated costs go well beyond. I would like to note, though, that after that it will be the responsibility of the tenants of these long-term lease properties to maintain them. This could be still challenging in a community that already struggles. I will not be moving my amendments today as the concerns I have raised have been addressed by the government and partially included in the government amendments we have before us today, which I will support.

I thank Minister Burney and her office for the constructive collaboration on the proposed changes and the consultation undertaken with the Wreck Bay Aboriginal Community Council on these matters. A key change is that, in a community where most members currently don't hold written leases, lease granting must be done in writing and include the terms of the lease and any other conditions. This will help provide certainty and clarity around the terms. Overall, I am hopeful that the changes in the bill will have a positive impact on the Wreck Bay community, and I'm glad that longstanding concerns around the quickly deteriorating and substandard quality of housing are finally being addressed.

Senator CAROL BROWN (Tasmania—Assistant Minister for Infrastructure and Transport) (12:35): I thank senators for their constructive contributions in this debate. The bill strengthens local governance and decision-making and assists the council with issuing homeownership-style leases. If community members wish to do so, they can take out a lease that will provide the intergenerational benefits of homeownership. The council has advised that it will offer these leases when houses are in a reasonable state of repair. I'm delighted that the government recently committed \$45.1 million so that all houses in Wreck Bay village can be upgraded and new houses constructed. This

housing investment will be rolled out in a partnership between government and the council and will deliver local employment opportunities.

I'd like to thank the Senate Standing Committee for the Scrutiny of Bills and colleagues across this chamber for their suggestions, which resulted in the four government amendments. Finally, I want to acknowledge and thank the community, particularly the council board members past and present, for working with the Australian government to jointly design these reforms. Some reforms were proposed by the community; others were suggested by government. Every reform in this bill, including the government amendments, has been explicitly endorsed by the council board. It is an example of shared decision-making under Closing the Gap. I table an addendum to the explanatory memorandum relating to this bill and an addendum in response to matters raised by the Senate Standing Committee for the Scrutiny of Bills.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CAROL BROWN (Tasmania—Assistant Minister for Infrastructure and Transport) (12:38): I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. I seek leave to move government amendments (1) to (4) on sheet QL223 together.

Leave granted.

Senator CAROL BROWN: I move the government amendments:

(1) Schedule 1, item 29, page 12 (after line 28), at the end of section 34E, add:

(3) The Chief Executive Officer must not delegate a function or power to an employee of the Council unless the Chief Executive Officer is satisfied that the employee has the appropriate training, qualifications, skills or experience to perform the function or exercise the power (as the case requires).

(2) Schedule 1, item 33, page 17 (after line 10), at the end of section 36, add:

(5) The executive committee must not delegate a function or power to an employee of the Council unless the executive committee is satisfied that the employee has the appropriate training, qualifications, skills or experience to perform the function or exercise the power (as the case requires).

(3) Schedule 1, page 17 (before line 11), before item 34, insert:

33A After subsection 38(5)

Insert:

(5A) A lease granted under this section must:

- (a) be in writing; and
- (b) include the term of the lease; and
- (c) include the other terms and conditions of the lease.

(4) Schedule 1, item 52, page 21 (line 13), omit "before, at or".

I'm pleased to provide further information on the tabled government amendments to this bill. These amendments have stemmed from suggestions made by the Senate Standing Committee for the Scrutiny of Bills and colleagues across the chamber relating to delegation and leasing provisions. I'd like to thank the committee and my colleagues for their close consideration of the bill and for their valuable feedback and suggestions.

Two amendments to the bill have been tabled relating to delegations as per the request of the Scrutiny of Bills Committee in November 2022. We propose to amend section 34E(1) and section 36(1) of the bill to add that the Wreck Bay Aboriginal Community Council CEO and the executive committee must be satisfied, when exercising their delegation power, that the person that they are delegating to has the appropriate training, qualifications, skills or experience. This will ensure that the CEO and the executive committee will turn their minds to relevant factors before delegating their powers.

An additional two amendments to the bill have been tabled relating to leasing provisions, following valuable discussions with colleagues from across the chamber. Firstly, we propose to amend section 38 of the Aboriginal Land Grant (Jervis Bay Territory) Act 1986 to ensure that all leases granted by the council must be in writing, include the term of the lease and include the terms and conditions of the lease. This will help ensure clarity of leaseholders' rights and the council's obligation under leases. Secondly, we propose to amend item 52 of the bill to ensure that the ACT's Residential Tenancy Act 1997 will only be disapplied to new leases of 40 years or more—that is, leases granted after passage of the bill. This will ensure that no council members will lose the protection of the Residential Tenancy Act 1997 unless voluntarily entering into new homeownership style leases after the bill

passes. The council has been advised that minimum housing standards will be met before it grants any homeownership style leases, and the recent government commitment of \$45.1 million will ensure that all houses can be brought up to a reasonable state of repair and that new houses will be constructed. The investment will be rolled out in partnership between government and the council.

As has been the case throughout this bill's co-design process, the council's executive committee has confirmed their support for these proposed amendments, all of which are in keeping with the intent of the reforms to the act. The most recent discussions government representatives had with the council's executive committee took place in March this year in Wreck Bay Village. I commend the amendments to the chamber.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CAROL BROWN (Tasmania—Assistant Minister for Infrastructure and Transport) (12:43): I move:

That this bill be now read a third time.

Bill read a third time.

BUSINESS

Rearrangement

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (12:43): I seek leave to move a motion relating to business of the Senate notice of motion No. 1.

Leave not granted.

Senator GALLAGHER: Pursuant to contingent notice of motion, I move:

That so much of standing orders be suspended as would prevent me from moving a motion for the consideration of a matter, namely a motion to provide that a motion relating to the consideration of business of the Senate notice of motion No. 1 may be moved immediately and determined without amendment or debate.

And I move:

That the question be now put.

The PRESIDENT: The question is that the question be put.

The Senate divided. [12:49]

(The President—Senator Lines)

Ayes.....31
 Noes.....26
 Majority.....5

AYES

- | | | |
|-------------------|---------------------|-----------------------|
| Bilyk, C. L. | Brown, C. L. | Chisholm, A. |
| Ciccione, R. | Cox, D. | Farrell, D. E. |
| Faruqi, M. | Gallagher, K. R. | Green, N. L. (Teller) |
| Grogan, K. | Hanson-Young, S. C. | Lambie, J. |
| Lines, S. | McAllister, J. R. | McKim, N. J. |
| O'Neill, D. M. | Payman, F. | Pocock, D. W. |
| Polley, H. | Rice, J. E. | Sheldon, A. V. |
| Shoebridge, D. | Smith, M. F. | Sterle, G. |
| Stewart, J. N. A. | Thorpe, L. A. | Urquhart, A. E. |
| Walsh, J. C. | Waters, L. J. | Whish-Wilson, P. S. |
| White, L. | | |

NOES

- | | | |
|----------------|-----------------|-------------------|
| Antic, A. | Babet, R. | Birmingham, S. J. |
| Bragg, A. J. | Brockman, W. E. | Cadell, R. |
| Canavan, M. J. | Cash, M. C. | Chandler, C. |
| Colbeck, R. M. | Davey, P. M. | Duniam, J. R. |

Henderson, S. M.
Liddle, K. J.
O'Sullivan, M. A.
Roberts, M. I.
Smith, D. A.

Hughes, H. A.
McGrath, J.
Paterson, J. W.
Ruston, A.
Tyrrell, T. M.

Kovacic, M.
McKenzie, B.
Reynolds, L. K.
Scarr, P. M. (Teller)

Question agreed to.

The PRESIDENT (12:52): We are now moving to suspend the standing orders. Senator Ruston, do you have a question?

Senator RUSTON (South Australia—Manager of Opposition Business in the Senate) (12:52): Is it possible to get a copy of the motion?

The PRESIDENT: The question is that the standing orders be suspended. There's been no debate so the bells will ring for one minute.

The Senate divided. [12:54]

(The President—Senator Lines)

Ayes.....31
Noes.....26
Majority.....5

AYES

Bilyk, C. L.
Ciccione, R.
Faruqi, M.
Grogan, K.
Lines, S.
O'Neill, D. M.
Polley, H.
Shoebridge, D.
Stewart, J. N. A.
Walsh, J. C.
White, L.

Brown, C. L.
Cox, D.
Gallagher, K. R.
Hanson-Young, S. C.
McAllister, J. R.
Payman, F.
Rice, J. E.
Smith, M. F.
Thorpe, L. A.
Waters, L. J.

Chisholm, A.
Farrell, D. E.
Green, N. L. (Teller)
Lambie, J.
McKim, N. J.
Pocock, D. W.
Sheldon, A. V.
Sterle, G.
Urquhart, A. E.
Whish-Wilson, P. S.

NOES

Antic, A.
Bragg, A. J.
Canavan, M. J.
Colbeck, R. M.
Henderson, S. M.
Liddle, K. J.
O'Sullivan, M. A.
Roberts, M. I.
Smith, D. A.

Babet, R.
Brockman, W. E.
Cash, M. C.
Davey, P. M.
Hughes, H. A.
McGrath, J.
Paterson, J. W.
Ruston, A.
Tyrrell, T. M.

Birmingham, S. J.
Cadell, R.
Chandler, C.
Duniam, J. R.
Kovacic, M.
McKenzie, B.
Reynolds, L. K.
Scarr, P. M. (Teller)

Question agreed to.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (12:56): I move that a motion relating to the consideration of business of the Senate notice of motion No. 1 may be moved immediately and determined without amendment or debate, and I move that the question be now put.

The PRESIDENT: The question is that the motion be put.

The Senate divided. [12:58]

(The President—Senator Lines)

Ayes.....31
 Noes.....26
 Majority.....5

AYES

Bilyk, C. L.	Brown, C. L.	Chisholm, A.
Cicccone, R.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L. (Teller)
Grogan, K.	Hanson-Young, S. C.	Lambie, J.
Lines, S.	McAllister, J. R.	McKim, N. J.
O'Neill, D. M.	Payman, F.	Pocock, D. W.
Polley, H.	Rice, J. E.	Sheldon, A. V.
Shoebridge, D.	Smith, M. F.	Sterle, G.
Stewart, J. N. A.	Thorpe, L. A.	Urquhart, A. E.
Walsh, J. C.	Waters, L. J.	Whish-Wilson, P. S.
White, L.		

NOES

Antic, A.	Babet, R.	Birmingham, S. J.
Bragg, A. J.	Brockman, W. E.	Cadell, R.
Canavan, M. J.	Cash, M. C.	Chandler, C.
Colbeck, R. M.	Davey, P. M.	Duniam, J. R.
Henderson, S. M.	Hughes, H. A.	Kovacic, M.
Liddle, K. J.	McGrath, J.	McKenzie, B.
O'Sullivan, M. A.	Paterson, J. W.	Reynolds, L. K.
Roberts, M. I.	Ruston, A.	Scarr, P. M. (Teller)
Smith, D. A.	Tyrrell, T. M.	

Question agreed to.

The PRESIDENT (13:00): The question is the motion, as moved by Senator Gallagher, be agreed to.

The Senate divided. [13:01]

(The President—Senator Lines)

Ayes.....31
 Noes.....26
 Majority.....5

AYES

Bilyk, C. L.	Brown, C. L.	Chisholm, A.
Cicccone, R.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L. (Teller)
Grogan, K.	Hanson-Young, S. C.	Lambie, J.
Lines, S.	McAllister, J. R.	McKim, N. J.
O'Neill, D. M.	Payman, F.	Pocock, D. W.
Polley, H.	Rice, J. E.	Sheldon, A. V.
Shoebridge, D.	Smith, M. F.	Sterle, G.
Stewart, J. N. A.	Thorpe, L. A.	Urquhart, A. E.
Walsh, J. C.	Waters, L. J.	Whish-Wilson, P. S.
White, L.		

NOES

Antic, A.	Babet, R.	Birmingham, S. J.
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Bragg, A. J.
 Canavan, M. J.
 Colbeck, R. M.
 Henderson, S. M.
 Liddle, K. J.
 O'Sullivan, M. A.
 Roberts, M. I.
 Smith, D. A.

Brockman, W. E.
 Cash, M. C.
 Davey, P. M.
 Hughes, H. A.
 McGrath, J.
 Paterson, J. W.
 Ruston, A.
 Tyrrell, T. M.

Cadell, R.
 Chandler, C.
 Duniam, J. R.
 Kovacic, M.
 McKenzie, B.
 Reynolds, L. K.
 Scarr, P. M. (Teller)

Question agreed to.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (13:03): The Senate has voted six times this morning to deal with business of the Senate notice No. 1 to make medicines cheaper for six million Australians. I move:

That business of the Senate notice of motion No. 1 be called on immediately and determined without amendment or debate.

Opposition senators interjecting—

Senator Birmingham interjecting—

The PRESIDENT: Order! I am not giving you the call, Senator Birmingham, until there's order in the chamber.

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (13:04): I note that she has called for this to be moved without debate. Indeed, I want to rise, President, to condemn the government for the tactics that they are deploying here, to condemn the government for the tactics they are deploying in seeking to stare down fair debate in this chamber, in turning down the generous offer from the opposition to actually say, 'We won't bring this disallowance on.'

The PRESIDENT: Senator Birmingham, please resume your seat. Senator Gallagher?

Senator Gallagher: Point of order. I have moved this be determined without amendment or debate. We won that motion earlier, in a series of debates. The motion should be moved.

The PRESIDENT: Senator Birmingham?

Senator BIRMINGHAM: This is the chaotic approach the government is applying. We don't have the motion circulated around the chamber, as would be the usual courtesy, so it's been a little hard to follow precisely which rushed tactics the government is deploying to try to avoid letting the coalition even speak to our motion. What we are seeing from this government is a chaotic approach. In terms of the proposal from Senator Gallagher, what I heard her move—

The PRESIDENT: Senator Birmingham, I'm giving you quite a bit of licence here.

Senator BIRMINGHAM: was a motion that the disallowance be called on without debate. I'm seeking to speak to the motion she's just moved—and I didn't hear a closure at the end of that motion.

The PRESIDENT: Thank you, Senator Birmingham. I am advised by the Clerk the minister has put the question, and the question ought be put. That's what I'm going to do. Senator Birmingham?

Senator BIRMINGHAM: President, can I ask you to step us through the motions that have been passed by this chamber to date. There was certainly nothing at the end of what Senator Gallagher said before that said the words 'and I move that the question be now put'. That was not what Senator Gallagher said in the motion she just put before. She moved a motion. The motion itself entailed no debate if that motion was successful, but there was nothing in the content of that motion that sought to close debate on that specific motion put forward.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Reynolds and Senator Hughes! The minister has put the question. It is my intention to call for the vote. The question is that the motion as moved by the minister be agreed to.

Senator Birmingham: Point of order: I did ask—

The PRESIDENT: Senator Birmingham, I have not given you the call.

Senator Birmingham: I'm seeking the call.

The PRESIDENT: I will give you the call. I was waiting for silence. You had two people on their feet. Senator Birmingham?

Senator BIRMINGHAM: President, I asked you before, out of respect for this chamber, in courtesy, in terms of understanding the precise rushed procedure of the government, to step us through the question before the chair but also the motions that have been passed through, for clarity about whether or not, indeed, the rush to put this question without any debate is an accurate reflection of the will of the chamber. Can you please repeat, for the benefit of the Senate, the question before the chair and what is leading to your rule of the guillotine applying?

The PRESIDENT: I will certainly do that, and I will do it with silence across the chamber. The minister sought leave; that was put. The motion was then put. The minister then moved the motion be put on calling on motion No. 1; that was put. That motion was then moved. The minister then moved the substantive motion, which is: 'Pursuant to contingent notice, I move that so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion to provide that a motion relating to the consideration of Business of the Senate notice of motion No. 1 may be moved immediately and determined without amendment or debate, and I move that the question now be put.' You then jumped to your feet and began to debate.

Honourable senators interjecting—

The PRESIDENT: Order! Order across the chamber.

Senator McGrath interjecting—

The PRESIDENT: Senator McGrath! I was asked to step through where we are up to. It's not for you to debate with me. I'm simply following the request that Senator Birmingham made of me. I've done that. It is now my intention to put the motion.

Senator Birmingham: On a point of order, President, I thank you for stepping through that. I appreciate, President, that you have a copy of the usual dit that's circulated in the chamber in front of you, as does Senator Gallagher. That dit has in it the words, 'And I move that the question be now put,' which sit separately. However, President, I did not hear those words said by the minister. So, President, I would encourage you to defer consideration of this matter to review precisely what occurred because my understanding is that the minister concluded—indeed, I've now got a copy of the same document you've got—before the red text. She read the black text, which was the motion that you went through, and stopped before saying the words, 'And I move that the question be now put.' In that case, the motion is eligible for debate, as moved by the minister. I would ask you to allow that motion to be debated, given the minister did not move that it be put.

The PRESIDENT: Senator Birmingham, I listened very carefully to the motion as outlined by the minister, and I heard the minister say, 'And I move that the question now be put.' If I agreed with you, I would not have then called the motion because I would not have heard those words. Those words were spoken. I think this could be resolved by me inviting the minister to put the question again, if that resolves it for you.

Opposition senators: No!

The PRESIDENT: I believe that we are at the point of putting the question, and that's what I intend to do. The question is that the motion as moved by the minister be agreed to. Those of that opinion say aye.

Government senators: Aye!

The PRESIDENT: Those against—

Opposition senators interjecting—

The PRESIDENT: The one that the minister has moved—the one that you asked me to read out; the last motion that was moved by the minister. The question is that the motion as moved by the minister be agreed to. Those of that opinion say aye.

Government senators: Aye!

The PRESIDENT: Those against.

Opposition senators: No!

The PRESIDENT: Division required. Ring the bells for one minute.

Opposition senators: Four minutes!

The PRESIDENT: Four minutes.

A division having been called and the bells being rung—

Opposition senators interjecting—

Senator Henderson: This is a disgrace—20,000 jobs.

The PRESIDENT: Order! Senator Henderson!

Senator Henderson: No. I'm so angry, President.

The PRESIDENT: Senator Henderson, I am ordering you to be silent. You are not debating with me.

Opposition senators interjecting—

The PRESIDENT: I'm waiting. I have Senator Birmingham on his feet.

Senator Birmingham: President, on a point of order, I believe the motion that you have said we are up to, and that this division had been called on, is an earlier motion in this process which has already been determined by the Senate—

The PRESIDENT: Yes, that's correct, I called the wrong—

Senator Birmingham: and that a review of the *Hansard* will show that what the minister moved was instead that business of the Senate notice of motion No. 1 be called on immediately and determined without amendment or debate. That is all that the minister said. She did not say at the conclusion of that, 'And that the question be now put.' It was on that basis that I was seeking the call at that time, but right now we are in the midst of the bells ringing for a division on a motion you have called that I believe has already been determined by the Senate.

The PRESIDENT: Senator Birmingham, she didn't need to, because we had moved the procedural motion. So the next one was that the motion, as moved by the minister, be agreed to. It's the procedural point that went before that. It was established that way.

Senator Birmingham interjecting—

The PRESIDENT: Yes. I didn't read the final one.

Senator Wong: In order to ensure the Senate is clear, as I understand it the motion that is being called on is the minister's motion that business of the Senate notice of motion No. 1 be called on immediately and determined without amendment or debate. Is that right?

The PRESIDENT: Yes. My apologies, Senator Birmingham, because I should have read that one.

Senator Wong: I would suggest to the Senate that, if there is a party that would vote differently on that motion to the one that was read out, they can raise that, but, if no party would vote differently, then the will of the Senate is not affected.

The PRESIDENT: After the question that Senator Wong has asked, is the chamber happy to proceed with the division?

Senator McKenzie: Just on a point of clarity: are there two questions right now before the Senate?

The PRESIDENT: No, there are not.

Senator McGrath: What are we voting on, President?

The PRESIDENT: The question is that the motion relating to the consideration of business of the Senate notice of motion No. 1 may be moved immediately and determined without amendment or debate. That was moved by Senator Gallagher.

Opposition senators interjecting—

The PRESIDENT: I beg your pardon. Sorry. The question is that business of the Senate notice of motion No. 1 be called on immediately and determined without amendment or debate.

The Senate divided. [13:16]

(The President—Senator Lines)

Ayes.....31

Noes.....27

Majority.....4

AYES

Ayres, T.
Chisholm, A.
Farrell, D. E.
Green, N. L.
Lines, S.
O'Neill, D. M.
Polley, H.
Shoebridge, D.
Thorpe, L. A.
Waters, L. J.

Bilyk, C. L.
Cicccone, R. (Teller)
Faruqi, M.
Grogan, K.
McAllister, J. R.
Payman, F.
Rice, J. E.
Smith, M. F.
Urquhart, A. E.
Whish-Wilson, P. S.

Brown, C. L.
Cox, D.
Gallagher, K. R.
Hanson-Young, S. C.
McKim, N. J.
Pocock, D. W.
Sheldon, A. V.
Sterle, G.
Walsh, J. C.
White, L.

Wong, P.

NOES

Antic, A.
Bragg, A. J.
Canavan, M. J.
Colbeck, R. M.
Henderson, S. M.
Lambie, J.
McKenzie, B.
Reynolds, L. K.
Scarr, P. M. (Teller)

Babet, R.
Brockman, W. E.
Cash, M. C.
Davey, P. M.
Hughes, H. A.
Liddle, K. J.
O'Sullivan, M. A.
Roberts, M. I.
Smith, D. A.

Birmingham, S. J.
Cadell, R.
Chandler, C.
Duniam, J. R.
Kovacic, M.
McGrath, J.
Paterson, J. W.
Ruston, A.
Tyrrell, T. M.

Question agreed to.

REGULATIONS AND DETERMINATIONS

National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023

Disallowance

The PRESIDENT (13:20): As this is a disallowance motion there is a requirement for senators to be given the opportunity to take over the motion. In accordance with the practice of the Senate this motion is deferred until the next sitting day. If no senator indicates that they wish to take over the notice by the giving of notices on the next day of sitting, the notice of motion will be taken to be withdrawn.

BILLS

Export Control Amendment (Streamlining Administrative Processes) Bill 2022

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator McKENZIE (Victoria—Leader of the Nationals in the Senate) (13:22): I rise to make a contribution on the Export Control Amendment (Streamlining Administrative Processes) Bill 2022 on behalf of the shadow agriculture minister and as a very proud National and someone who wants to see a sustainable and prosperous agriculture industry in this country, because it's not just the backbone of our country but the backbone of the regions.

But before I go to the most substantive contribution and as our chemists here leave the Senate chamber, we're having to watch a Labor Party who have been willing to turn their backs on health provisions in rural and regional Australia on the back of their 60-day dispensing legislation. They got it wrong. We have tried to say: 'Go back to the drawing board. Consult with local pharmacists. Understand how we can get the cost-of-living pressure increase relief through the dispensing arrangements but also not see a diminishing of healthcare professional services in our local regional communities.' What they are telling us is, as a result of the government's regulation in regard to this, they are going to have to lay off staff. They are going to have to minimise their hours. Webster-paks to our aged-care facilities in rural and regional communities are on the line. I could go through other things like immunisation programs, which are currently run in all local chemists right across the country. That might not seem like a big thing if you live in Canberra, Melbourne, Sydney or Brisbane, but where I live and the people I represent live the chemist is often your only healthcare professional in town. They don't just dispense medicine. They offer a free counselling service.

Senator Chisholm: On a point of order, Mr Acting Deputy President, on relevance to the legislation before us, I don't think Senator McKenzie has gone anywhere near it.

The ACTING DEPUTY PRESIDENT (Senator Sterle): As we know, second reading debates can be far-ranging, but, Senator McKenzie, I will draw you to the bill in front of us. I have been patient for the last nearly two minutes.

Senator McKENZIE: I thank you for your indulgence, Chair. As someone that also cares about the regions, you want them to have not just great export controls, as this bill outlines, but also fabulous healthcare delivery. On that, I'll return to the bill and look forward to debating this in the chamber more broadly when we return.

I rise to speak on the Export Control Amendment (Streamlining Administrative Processes) Bill 2022 on behalf of the coalition. A healthy, strong agriculture sector is absolutely crucial to the health and strength of our nation. With around 70 per cent of Australia's agricultural produce exported, we need to ensure these industries are adequately supported, fit for purpose and operating as efficiently as possible. This is something the federal coalition takes extremely seriously. In our nation, the Export Control Act provides the regulatory framework for the export of goods, including a range of agricultural commodities. This legislation before the chamber will amend this act to allow better information management, cut administrative red tape and clarify the intent of the act.

The bill will allow for the introduction of both civil and criminal penalties, along with the use of infringement notices for any breaches of information sharing. Based on these sensible provisions, the federal coalition will be supporting the passage of this bill. Australia's export sector relies on the efficient collection and sharing of information and the amendments in this bill will deliver an enhanced process for this, while also protecting data confidentiality. This is important because currently all information obtained or generated by people performing their duty, or exercising powers under this act, is classified as protected, regardless of whether it's actually commercially sensitive or not. This means that when information needs to be shared it goes through a complex approval process. The provisions in this bill aim to make this process more timely, responsive and efficient, with less red tape, which is a commonsense outcome and something the coalition will always support.

It's so important in a fiercely competitive international marketplace that vital information in this sector can be appropriately shared with our regulatory partners, exporters and key stakeholders, while preserving safeguards for any information that is potentially sensitive. Examples highlighting the significance of this include: providing information quickly to a foreign country on an Australian consignment of grain that's awaiting quarantine clearance—and a big-shout out to CBH, who are in the building this week. You don't just make great beer from barley; I highly recommend soju—providing export data to the Department of Foreign Affairs and Trade to assist with trade negotiations; using the information to develop improved operating procedures; and harnessing relevant data to support the simplified trade system, which is making exports and imports easier through the digital single window system, something the previous government invested heavily in and is glad to see this government continuing.

Significantly, there will be offence provisions introduced which would apply to any instances where protected information is disclosed in an unauthorised way. It is also worth pointing out that the information-sharing provisions contained in this bill will help bring our agricultural exports into line with the world-leading benchmarks that underpin our biosecurity system, which is so critical to our clean, green product being accepted, celebrated and desired right across the world. Other amendments in this legislation will streamline administration processes in relation to various approval arrangements, accredited properties, registered establishments and export licences as well as consideration of certain information for the purposes of the fit-and-proper-person test, along with some minor technical amendments.

Overall, this bill consists of practical measures that will have a positive impact on Australia's agricultural export sector. I recognise the work of the many officials of the Department of Agriculture, Fisheries and Forestry, who I was privileged to be minister for—I even had my little office down in the building—and who I know have diligently, over several years, been working so hard with our export industry stakeholders to identify opportunities to improve these administrative processes, which has resulted in the bill before the Senate today. So thank you to those public officials for your incredibly hard work and the way you've engaged with our export stakeholders. The federal coalition also notes that the National Farmers Federation has also expressed support for the bill.

On this side of the chamber, we are always going to back Australian agricultural exports as they underpin not only our local rural economies but also, more broadly, our national economy. Under the previous coalition government, our comprehensive plan ensured that this industry remained strong and resilient as a crucial part of helping the agriculture sector to achieve its goal of reaching \$100 billion of farm gate—

The ACTING DEPUTY PRESIDENT: Order! It being 1.30 pm, we shall now move to senators' statements.

STATEMENTS BY SENATORS

Cost of Living

Senator KOVACIC (New South Wales) (13:30): This is not my first speech. Small businesses across our country are struggling. Rising cost of living is not just limited to households; it affects small businesses just as much, particularly small family businesses. Australian small businesses and families are yet to see their promised \$275 cut to their power bills but they have seen their interest rates raised 11 times in just over a year and have not been given a concrete plan—or any plan, really—from this government to address this crisis. On Tuesday of this week, research published in the AFR found that that 14 per cent of food service firms and 10 per cent of retailers were at high risk of failing over the next year and now, I expect, community pharmacies also.

These industries face a significant threat in this inflationary environment given their unique proximity to the volatility of household discretionary spending. Their costs are going up and their revenue is going down. A decrease in consumer spending due to the cost-of-living crisis has resulted in businesses from farm to plate facing loss of revenue and closure, some within months of opening, or being forced to stay open for extended hours just to make ends meet.

Small businesses in Australia, the backbone of our economy, are already at risk of collapse, and the last thing they need right now is for this government to place increased burdens on them. That is why I was disappointed to read that the Albanese Labor government will be smothering rural and regional businesses who rely on the Pacific-Australian Labour Mobility scheme with unnecessary red tape and increased costs, placing an even greater strain on them. Inflation when left unmanaged as we are seeing now is a disease that infects and rots economies. This government's inability to address inflation must change. *(Time expired)*

Sport: Netball

Senator WHITE (Victoria) (13:32): Following their triumph over England on Monday, I would like to congratulate Australia's Diamonds on becoming Netball World Cup champions for the 12th time. The World Cup win is emblematic of the place netball holds in Australia's sport culture and history. It is our country's largest participant sport and has a legacy of inclusion, teamwork and women's empowerment. I've personally experienced netball's power to bring people together and sense of community. As a girl, I played with the Miranda Magpies and representative netball for Eastwood Ryde. I then continued playing and umpiring for the Melbourne University Blues. Netball yielded great social opportunities. The sport facilitates people from different walks of life coming together and bonding as teammates.

Beyond participating in netball, I have also had the privilege of learning about the sport's long history. Last Friday I visited the Grit & Gold exhibition at the National Library of Australia. This exhibition, which is open until November, showcases Australia's long and colourful sporting heritage. There's an extensive collection of memorabilia, art, books, magazines and photographs that gives the viewer a fully immersive experience into our nation's sporting triumphs, trials and tribulations. To my surprise, the exhibition includes a 1984 copy of the *Umpire's Guide to Netball*. This was particularly exciting because I owned this same guide during my umpiring days at Melbourne University.

To reflect on netball's culture and history is immensely special to me. It was also amazing to see Ash Barty's Wimbledon tennis dress, photos of the SCG in the 1930s and the Olympic torches from Sydney 2000 and Melbourne 1956. If you're in Canberra, I recommend you visit the Grit & Gold exhibition at the National Library. It will only add to your admiration for the Diamonds and netball's contribution to Australia's green and gold sporting tapestry and to our love of sport generally.

Kimba, South Australia

Senator BARBARA POCOCK (South Australia) (13:34): Sometimes the right thing happens in politics. Today it has at Kimba in South Australia. Today the Labor government has walked away from the mistaken ill-conceived plan to put low and intermediate level nuclear waste at Kimba in South Australia. It has abandoned a bad idea it took up from the previous government, a plan that was always wrong, a plan that provided only a temporary store of intermediate level waste, which needs to be stored for 10,000 years, and it kicked that can down the road for the children and the generations of the future. It was a plan that never asked South Australians what they wanted and did not listen to the voices of the Barnjarla people, who opposed it on their country to a person and for years. It was a plan that divided the rural community of Kimba at great personal cost to many, a plan that many farmers and local residents fought as a threat to the clean, green produce and beauty of the Eyre Peninsula and Kimba.

Sometimes the right thing happens in politics but only because good people speak up and fight for the right thing. The Barnjarla people, led by Jason Bilney, have fought for years. Don't mess with the Barnjarla is the lesson of this history. People like Peter and Sue Woolford, all the farmers, fought this proposal which threatened their livelihoods and their community. People like Dave Sweeney and the Australian Conservation Foundation invested years of activism about the cost and failure of this proposal. People like Nick Llewelyn-Jones led the legal case to fight for the Barnjarla people and their voice and all the citizens who opposed this project, and now we must look to a long-term, safe solution which is built on the full, prior and informed consent of First Nations people and all Australians. *(Time expired)*

Tasmania

Senator DUNIAM (Tasmania—Deputy Manager of Opposition Business) (13:36): We all know that money is one of those things that is always in short supply be it for a household, business or, indeed, government, which is why I want to again reflect on something I asked about in this place a couple of months ago. I asked the Leader of the Government in the Senate about whether the funding allocated by the Albanese Labor government to the

waterfront stadium in Hobart will be exempt from our GST allocation. At that time, there was no answer given. Tasmanians were given no clarity about whether they would forego money that would ordinarily go to health, to education, to roads, and whether they would be forced to put that money into a stadium, or whether they will be free of that encumbrance.

I again asked in the last round of Senate estimates whether the Australian Labor government had exempted that commitment that they had made on behalf of the Labor government to money, \$240 million of that finite resource—taxpayer money—to a waterfront stadium in Hobart and whether they had exempted it from our GST calculation. Again, the minister at the table, Senator Brown, had no answer to give, sadly, about whether such a commitment had been given. At that estimates hearing, I did ask Senator Brown whether she would join with me in asking the Treasurer to exempt those funds from GST calculations. Sadly, though, in response to an FOI request, it appears that no request has been made. So I again lay down the challenge to Labor members and senators from Tasmania—four Labor senators in this chamber—to make sure that Tasmanians are not duded through this deal, that we don't have money taken out of our health system, out of our education system to fund their waterfront stadium. It is a shame. Where is the member for Lyons, Mr Mitchell? Where is cabinet minister Julie Collins when it comes to this deal? Make sure the money is exempt. It's their job and they should do it right.

Workplace Relations

Senator MARIELLE SMITH (South Australia) (13:38): The gig economy is changing the way we do things in Australia. It has turned our economy on its head. While the convenience that the gig economy has brought is beneficial to many consumers, we always must be asking ourselves: at what price are we willing to pay for this convenience? Because we are seeing across the gig sector Australian workers at times bringing home an hourly rate of less than \$10 an hour. There cannot be a single person in Australia who thinks this is acceptable, who thinks this is okay. We have workers in this industry working under unsafe conditions, not paid for the work they do. We have companies circumventing our industrial relations laws—laws which were fought for over many, many decades in this country through blood, sweat and tears. It's not acceptable and we need reform to this sector.

On the weekend, I joined the Transport Workers' Union's Sam McIntosh and Ian Smith in South Australia, many of our members and delegates, workers from the gig economy, truck drivers, taxi drivers, industry representatives, people from across the spectrum of the transport sector calling for reform, saying, 'This is not acceptable that people are paid below the minimum wage. It is not acceptable that people are heading out into what is their workplace unsafe.' The convenience that the gig economy brings to consumers is not going anywhere. That's okay. But what's not okay is for this part of our economy to exist in our industrial relations system, making a mockery of it, making a mockery of the rights workers deserve to have fought for in our industrial relations system. We need reform to the transport sector. We urgently need reform to the gig economy. We won't rest on this side until we deliver it.

Middle East

Senator THORPE (Victoria) (13:40): I rise to condemn the violent occupation of Palestine, the brutality of the colonial power that is Israel and their state-sanctioned murder of the Palestinian people. In 2022, Israeli forces murdered more than 170 Palestinians, including 53 children. Since the start of 2023, 160 lives have been taken, including 35 children. Three of these murders happened only four days ago. We know this grief, sorrow and anger. It binds First People and Palestinians together. We share a history and reality of attempted genocide and are both yet to experience liberation in self-determination, governance and sovereignty. We know how it feels to be on the end of a slow, pervasive violence that claims more and more lives as time goes on, with no-one blinking an eye. We know about apartheid, and we know about being occupied by a power incapable of recognising the truth.

Almost 140 nations, including the Vatican, have recognised Palestine as a state, but Australia has not. Unsurprisingly, colonial powers are brothers in blood and have a common problem with recognising sovereignty both at home and abroad. This government must recognise sovereignty abroad and at home, recognise the sovereignty of the Palestinian people over all the land taken since 1967 and call for the Israeli government to end the illegal occupation. I welcome the government changing its language to recognise that the occupation of the state of Palestine is illegal under international law. I call on the government to continue on this path to truth and formally recognise Israel as— (*Time expired*)

Middle East

Senator HUGHES (New South Wales) (13:42): Senator Thorpe, that was a perfect introduction for what I'd like to speak about today—the factional stitch-up that we've seen from the Labor Party as they've attempted to solve the two-state solution, as they draw the borders and change the language, now referring to 'occupied Palestinian territories', which is not only, in international law, legally incorrect; it ignores the fact that Palestine actually has never been its own independent state ever and has never had Palestinian territories.

What I thought I'd do today, though, is point out the UN Relief and Works Agency, which is responsible for where a lot of Palestinian children are educated. I thought I'd give some examples of the complete antisemitism and radicalisation that continues to occur today in the Palestinian education system. It is absolutely disgusting. We had a look at one of the schools, Asma Middle School for Girls, where the schoolgirls are taught to liberate their homeland by sacrificing their blood and pursuing jihad. This is an example straight from their workbooks. 'Read the following sentences and explain why the hamza'—an orthographic sign in Arabic—is written on the words.' Option 3 is: 'I will commit jihad to liberate the homeland.' The school also had students examine a text called 'My land'. This was question 11: 'What are the obligations of the people of the homeland towards it?' Answer: 'That they would defend it and sacrifice for it their blood, their possessions and the most precious thing they have.' I guess that's their life. 'The enemy is despicable. Palestine is ours. The departure of the occupier from our land is inevitable. We shall oppose the enemy's tanks with blood and flesh.' That was a year 7 text. A poem: 'Let's explain the beauty of the metaphor in the following: "The Zionist gangs sank their fangs of hatred into her pure body."' Sounds like they really want a peace process!

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Hughes, thank you. Senator Green.

Great Barrier Reef

Senator GREEN (Queensland) (13:44): I'd like to talk about bringing people together, today in the Senate. Last week coral reef managers from 15 Pacific nations travelled to Cairns for an important inaugural event. The Great Barrier Reef Marine Park Authority, on behalf of the Australian government, hosted the first Pacific Coral Reef Collective.

All coral reefs around the world, including our own precious Great Barrier Reef, are facing challenges from climate change. We here in Australia along with our Pacific neighbours know this better than anyone. We also know what is at stake better than most. The Pacific is home to about 27 per cent of the world's corals. They are spectacular to see, incredibly ecologically diverse and significant economic contributors for local communities. We cannot act alone to protect our reefs. Our efforts must be united, which is why the collective is so important. The collective provided an opportunity for knowledge sharing and leadership exchange between Australia and many of our Pacific neighbours. Over five days, visiting delegates also heard from a range of experts, including reef authority managers, traditional owners, scientists and industry about how we are protecting the Great Barrier Reef.

We are the best managers in the world. We have led the way on the crown-of-thorns starfish control, investing in reef restoration and adaptation programs, and we are harnessing the role of traditional owners in managing sea country. We are working hard, every day, to protect the Great Barrier Reef. I am proud of our reef managers who have had the chance to showcase their expertise at the Pacific Coral Reef Collective. Thank you to the secretariat of the Pacific Regional Environment Program for its assistance in ensuring that the first Pacific Coral Reef Collective was a huge success.

Yazidi Massacre: Sinjar

Senator SHOEBRIDGE (New South Wales) (13:46): In August 2014, in Sinjar, which was home to the largest Yazidi community in the world at the time, Daesh—also known as ISIS or Islamic State—murdered at least 5,000 Yazidis. Those killed were mostly men and boys, but thousands of Yazidi children and women were kidnapped, with many exploited as sex slaves and child soldiers. More than 2,000 Yazidis are still missing.

Today, in this parliament, I want to acknowledge the ninth anniversary of this tragedy and call it what it was: an act of genocide against the Yazidi people at the hands of Daesh extremists. This is a position that has been formally adopted by the UK and German parliaments. The time has come for Australia to follow suit and acknowledge the acts of genocide against the Yazidi people.

In acknowledging this history, it is also imperative for the Australian government and its allies to call on the Iraqi government to recognise the Yazidi Sinjar self-autonomous administration and urge the prevention of Turkish airstrikes targeting Yazidi community leaders and their environment, which they have a strong religious connection to. The destruction of villages and infrastructure at the hands of the Daesh, and more recently Turkiye, has forced Yazidi Kurds to flee their homeland and seek refuge. So aid and economic support must also be provided to support Yazidis to return to the land they are connected with.

I stand in solidarity with the Yazidi community around the world, and particularly the Yazidi diaspora in my home state of New South Wales, centred as many are, around Wagga, who have overcome unbearable violence to form a thriving community and build a fulfilling life here.

I also want to acknowledge Ismet Tastan, who is in the chamber on behalf of the Yazidi people, to be a voice for them, to bring truth to this parliament. Thank you for being here, Ismet, and thank you to the Yazidi community, and together, being a powerful voice.

Climate Change

Senator DAVID POCOCK (Australian Capital Territory) (13:48): Former Chief of the Australian Defence Force Admiral Chris Barrie joined me and other parliamentarians this morning, calling on the Australian government to release a declassified version of the ONI climate risk assessment. He said this morning, 'We are not getting an open and transparent conversation about the big issues of risk.' He said that the Labor Party has been 'dragging their heels' on releasing the ONI climate risk assessment. I and Senator Shoebridge moved two separate motions which were voted down by the major parties.

Australians have a right to know about the type and scale of the security threat being posed by climate change. We are facing catastrophic damage to critical infrastructure, strained Defence Force capacity and increased political instability in our region. These threats are real, and they are terrifying. Our most significant ally, the United States, has released a similar report for the past couple of years. Why shouldn't we? We have a Labor government that committed to doing one, and now they're happy to keep it in secret and keep Australians in the dark about what this advice is. At the same time, they don't want further inquiry into something like the Middle Arm development, which we know will unlock huge fossil fuel deposits. As a crossbench, we will continue to push the government on this. They talk a big game. We're not seeing that being delivered. To continue to go down this path is indeed negligent. We know enough, and we want to know more so we can hold the government to account.

First Nations Australians: Schools

Senator HENDERSON (Victoria) (13:50): I rise to condemn the Albanese government, which has axed plans to build two remote boarding schools for some of the most disadvantaged Indigenous students in the country. This makes a mockery of Prime Minister Albanese's visit to the Garma Festival, where he spoke of giving children the opportunity of a better life.

In 2021, the coalition announced \$74.9 million to build three new schools in Western Australia and the Northern Territory and to upgrade a fourth, existing boarding school in the Kimberley under the innovative Studio Schools model. These schools, fully funded by the coalition, were vital to lifting school attendance and providing a safe and stable learning environment. But the two proposed year 7 to 12 schools—Dhupuma Studio Secondary School in East Arnhem Land, near where the Garma festival is held each year, and the Roebourne studio school in the Pilbara—have been axed. Not only was funding to the Building Boarding Schools on Country program cut; the education minister, Mr Clare, failed to deliver the additional funding required because of the cost escalation, due to Labor's skyrocketing inflation rate, to build these schools. These schools would have been transformational in boosting school attendance.

What hypocrisy from the Prime Minister, who had the temerity to claim in his speech at the Garma Festival that he wanted an Australia where more Aboriginal and Torres Strait Islander children are going to school. How many Indigenous children must forgo an education while the Prime Minister spends \$384 million on the Voice referendum? While Mr Albanese goes to Garma to tout his commitment to Indigenous Australians, more than 150 Indigenous students miss out on the schooling they desperately need and deserve. Shame on Labor.

Banking and Financial Services

Senator ROBERTS (Queensland) (13:52): As a servant to the many different people in our one Queensland community, it's my duty to ensure that our constituents get a fair go. Customers of the big four Australian banks are not getting a fair go. The Commonwealth Bank announced a \$10.2 billion annual profit made on the backs of the hard work of their customers and staff, who deserve better. While the banking superprofits tax will return some of that excess profit to taxpayers, my question is: how are the big four banks able to exploit their oligopoly power to deliver obscene profits?

One Nation, of course, supports the right of companies to invest money and receive a fair return on investment—a fair return. One Nation believes that free market competition is the answer to providing all Australians with wealth and prosperity. Australia does not have free market competition in many industries, including in banking. We have an oligopoly conspiring together to rip off as much money as they can from captive clients. That was evident in 2017, when I chaired the Senate Select Committee on Lending to Primary Production Customers. The committee heard evidence of inhuman banking behaviour that screwed their own customers, taking homes, livelihoods, equity and even cattle, to which the banks were not legally entitled. No compensation has ever been made, because good luck suing a bank. Banks are above the law.

The Senate inquiry into bank closures in regional Australia has heard evidence of banks acting in concert, if not collusion, to close branches, force customers online and prevent the use of cash, despite online banking not being available in areas where bank branches closes and not suiting customers' needs. Worse, banks have misled the committee regarding their future branch closure plans and misled the committee on the reasons for closures. The

big four banks' behaviour is reprehensible. In the next sitting, I'll advance the debate regarding a proposal to stop banks further hollowing out the bush and forcing their customers into digital prison. Watch this space.

Natural Disasters: Response and Recovery Planning

Senator LAMBIE (Tasmania) (13:54): There are three events that burn in the memories of Tasmanians. The first one is the tragedy at Port Arthur in 1996; there's the ship that hit the Derwent Bridge in 1975; and there are the 1967 bushfires. The Black Tuesday firestorm claimed 62 lives. Nine hundred Tasmanians were injured and 7,000 were left homeless. Farms and livestock were destroyed and the cost to the Tasmanian economy was in the millions. This year we have seen bushfires burn across nine European countries, Canada's bushfires are the worst in living memory and six people have been killed overnight in bushfires in Hawaii.

I'm worried about Australia and I'm just as worried about Tasmania. Most of Tassie is classed as 'bushfire prone', and fires have told me this summer and next are looking extremely scary. Professor David Bowman from UTAS has warned, 'Soon we are going to have suburban fires.' And what's the Liberal state government doing about this? They have allocated just half a million dollars to get our fires ready for next season. I have just one thing to say about this: are you kidding me? They're not doing very well, the Liberal state government; they're starting to go down the gurgler. Here I was thinking they may at least be able to make it to next year, to an election. I tell you what: I reckon they're lucky. On the other hand they're happy to allocate 350 million bucks to an AFL stadium that we don't even need.

I would suggest the Tasmanian government start listening to the fires and the experts. They need to wake up and put taxpayer dollars where they will protect Tasmanians the most. I also remind Minister Ellis down there that we haven't forgotten what happened when we were down there doing the Senate inquiry on disaster relief—that you stopped your fires coming in to discuss with us what was going on. You actually gagged them. It is absolutely disgraceful what you've done, and you'll pay the price for that after this summer, mate!

Ukraine

Senator REYNOLDS (Western Australia) (13:56): Yesterday in this place I called for the introduction of a Ukraine democracy defence lend-lease act. This would more efficiently and more cogently underpin Australia's long-term military and humanitarian support to Ukraine.

I've been working very hard to identify areas where Australia can assist Ukraine in the face of humanitarian disasters caused by Russia's illegal invasion. The first example is long-term demining and mine support action. Ukraine is now the most heavily mined country in the world, with approximately 25 per cent of its land contaminated. Fifty thousand Ukrainians have lost limbs, including many women and children. The second area is deployable telecommunications infrastructure, which has been heavily targeted by the Russian military. The result is that internet access is now only at 16 per cent, and it is significantly disrupting civilian life as well as military operations. The third is the provision of drones, which has been discussed at some length in this place and also in the media.

Australia has significant expertise in all three of these areas and in many more areas where we can assist with both military and humanitarian support to the Ukraine. By lending our expertise and experience, we can play a role in alleviating the suffering of millions of Ukrainians. But to achieve this we need a single framework with legislative underpinning. We need a far more coherent way of doing this, and I believe this should be a lend-lease act similar to that enacted by the United States last year.

University Hubs

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (13:58): The *Universities Accord Interim Report*, released last month, has estimated that by 2050 roughly 55 per cent of jobs will require a university degree. That means we need bold ideas right now to ensure we are meeting the skills demand of the future. The accord panel, who are here today, engaged in a workshop led by Universities Australia and said the best way to boost the number of university qualifications in our workforce is to boost the number of students currently underrepresented in our universities. Almost 50 per cent of young people have a university degree today, but if you're from the regions that number is 13 per cent. This has barely shifted over the last decade. We are committed to boosting these numbers to ensure we have the skills and the workforce in our cities and our regions that we will need into the future.

As part of the *Interim Report*, we've agreed to establish 20 new additional regional university hubs and 14 new suburban university study hubs around the country. Last month I was up in Cooktown to open the Cape York Country Universities Centre, which already has 29 students registered to study. These university hubs will ensure students in regional and remote areas can study without having to move or leave home. There's no guarantee that,

of those 29 students in Cape York, they would be studying if they weren't able to study at that university centre in town. We know that regional university students who study closer to home are more likely to stay and work there as a result. So these centres are providing the next nurse or the next teacher for those local communities, which is so important for the future.

Minister Clare and I and the Labor government believe it shouldn't matter where you live; every Australian should have access to a high-quality education and pathways to good, secure jobs.

The PRESIDENT: Order! The time allotted for senators' statements has expired. We will move to questions without notice.

QUESTIONS WITHOUT NOTICE

Nuclear Waste Management

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Minister for Resources, Senator Farrell. What is the precise process and time line the Albanese Labor government will now apply to determining a site for the long-term storage of Australia's low-level radioactive waste?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:00): I thank Senator Birmingham for his question. As he would know, the difficult issue of finding a site for holding, in particular, low-level nuclear waste has been a perplexing issue for a very, very long period of time. The issue, of course, was raised first, as I recall—

The PRESIDENT: Senator Farrell, please resume your seat. Senator Birmingham.

Senator Birmingham: President, this was a very narrow question with no preamble. The precise subject matter of this question was about the process and time line the Albanese Labor government will now apply. It made no historical references, no references to past decisions. It was a question only looking forward and, knowing how long it takes this minister to answer questions, I would invite you to draw him to the question immediately.

The PRESIDENT: Thank you, Senator Birmingham. I remind—

Honourable senators interjecting—

The PRESIDENT: Order! Leaders are given some licence—Order across the chamber!—but I will call Minister Farrell to your question, Senator Birmingham. Minister Farrell.

Senator FARRELL: Minister King has obviously had some very difficult issues to resolve. She confirmed this morning in the House that the government will not appeal the decision in respect of the judicial review that took place of the selection site of Kimba in South Australia. She has instructed her department to develop a policy option for managing Commonwealth radioactive waste into the future. This policy development is ongoing. Minister King said she—

Senator Birmingham: That's reassuring!

Senator FARRELL: Well, you didn't figure fix it. All those nine years, Senator Birmingham, you had an opportunity to fix it and you did not. You didn't fix the problem, and you've left it to us to fix, and Madeleine King—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Farrell! Order! I'm waiting for silence before I call the minister. Minister Farrell.

Senator FARRELL: Madeleine King has been left with the job, like so many other ministers—

Opposition senators interjecting—

The PRESIDENT: Minister Farrell, resume your seat. Order! Minister Farrell.

Senator FARRELL: Thank you, President, for that protection. Like so many other issues, for nine years—nine years you had to fix this problem, and you left us in a situation—

Opposition senators interjecting—

The PRESIDENT: Minister Farrell, thank you. I'm waiting for silence before I call Senator Birmingham. Senator Birmingham, first supplementary?

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (14:03): The Albanese government has taken the weak and irresponsible path of junking years of work to resolve a decades' long impasse on where to store Australia's low-level radioactive waste. If the government didn't want to appeal the court decision regarding the Napandee site near Kimba, why didn't it legislate a remedy to address the court decision and allow the Napandee site to proceed as planned and on time?

Honourable senators interjecting—

The PRESIDENT: Order across the chamber! Minister Farrell.

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:04): I thank Senator Birmingham for his first supplementary question. If this issue was so simple, in the nine years that you had to deal with it you would have solved the problem, and you didn't. Why do we have this issue now? We have this issue right now because under judicial review a determination was made to overturn the site on Kimba.

Senator Scarr: You've got a right of appeal, Don!

The PRESIDENT: Minister Farrell, resume your seat.

Senator Scarr: You should challenge it!

Senator Wong interjecting—

The PRESIDENT: Senator Scar! Senator Wong! Senator Scarr, your voice has been the loudest so far. I would invite you to make a contribution on the issue at some other time. Chiming in at question time is not the time. Minister Farrell.

Senator FARRELL: There's been a court decision. That decision has been in favour of the Barnjarla people. The government, particularly Minister King, understands fully the need to deal with this serious issue, but she was left in this situation because of the mishandling— (*Time expired*)

The PRESIDENT: Senator Birmingham, second supplementary?

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (14:06): If Labor can't manage to decide where to store gloves used in nuclear medicine procedures, how can anyone have confidence that it can manage the difficult decisions that are going to be required to deliver nuclear submarines under the AUKUS agreement? Isn't it the truth that this change of policy at this time to junk the Napandee site is just another example of appeasing the left-wing factions ahead of the national conference next week and putting Labor's internal divisions ahead of addressing the national interest?

Honourable senators interjecting—

The PRESIDENT: Order! I'm not calling the minister until there's silence. Minister Farrell.

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:06): Can I thank Senator Birmingham for his second supplementary question. Well, if I were you, Senator Birmingham, I wouldn't be talking about internal party factions because I can see Senator Antic up the back there, I can see Senator Ruston, and who else? Senator Fawcett. If you think that this has anything to do with internal factions, think again. You're the party that's bitterly divided. You're the party—

Honourable senators interjecting—

The PRESIDENT: Order! Minister Farrell, resume your seat.

Senator Cash: Don, what number were you on the ticket?

The PRESIDENT: Senator Cash, you do not have the call. I'm waiting for silence. I have your leader on his feet. Senator Birmingham.

Senator Birmingham: President, these are issues around nuclear waste, related to—

The PRESIDENT: Is this a point of order?

Senator Birmingham: a decade-long problem around nuclear waste—

The PRESIDENT: Senator Birmingham, is this a point of order?

Senator Birmingham: related to AUKUS, and now we've got—

The PRESIDENT: Senator Birmingham! I called you three times. Are you calling for a point of order?

Senator Birmingham: My point of order relates to direct relevance, President. The question goes to the serious issues around the long-term issues of storing nuclear waste related to AUKUS—

The PRESIDENT: Senator Birmingham, please resume your seat. I will respond. In your question, Senator Birmingham, there was a preamble. It went to the waste, it went to submarines and it went to factions and internal issues within the Labor Party. The minister is being directly relevant. Minister Farrell, please continue.

Senator FARRELL: Thank you, President. If there's any government that's going to be capable of delivering on the AUKUS nuclear submarines for South Australia, it's this government.

Senator Birmingham: Thanks to Mike Rann, you didn't!

Senator FARRELL: Yes, I can remember exactly what Mike Rann did, but who introduced the act that started the process to finalise this? It was Labor. *(Time expired)*

Housing

Senator GROGAN (South Australia) (14:09): My question is to the Minister representing the Prime Minister, Senator Wong. This week is National Homelessness Week, which is putting the spotlight on the need for social housing as a long-term solution. Many homelessness service providers have spoken about the challenges facing Australians who are without safe and secure accommodation. Can the minister explain what actions the Albanese government is taking to improve housing outcomes for Australians at risk of homelessness, both now and into the future?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:09): I'm very pleased to take that question from Senator Grogan, who is someone who has worked for Australians who are struggling for so much of her life, both in the trade union movement and in the social services sector, and who I know has such a personal commitment to improving housing and ending homelessness in this country. Her commitment is shared by other members of our government.

We want to ensure every Australian has a roof over their heads. We know that far too many Australians are facing homelessness. I commend the work of the housing minister and I commend the work of all those across governments, across civil society and across businesses and charities who are working together to end homelessness.

Access to housing is central to Labor's values. From the Prime Minister—who, as we know, grew up in social housing—to every member of the caucus, we understand how important housing is. It is disappointing that the decade of inaction by those opposite has left this country in the position it has when it comes to safe and affordable homes. We were elected with a plan to help turn this tide, and a key part of the housing agenda is the development of a National Housing and Homelessness Plan. Following the launch of the issues paper this week, public and stakeholders are invited to share their experiences and their expertise. By working together, we can ensure the plan will set out a shared national vision and strategy for how we can, together, better support those in need. We want to hear from as many people and organisations as possible.

I welcome comments like those from the Property Council who said: 'The federal government are leaning into the challenge.' I welcome comments from the Liberal government in Tasmania, who said: 'We welcome the National Housing and Homelessness Plan issues paper, released today to mark the start of Homelessness Week.'

We are committed to improving outcomes for Australians facing homelessness. *(Time expired)*

The PRESIDENT: Senator Grogan, your first supplementary?

Senator GROGAN (South Australia) (14:11): It's great to hear that the Housing and Homelessness Plan is out for consultation so that people can have their say about this critical issue. Yesterday, the Prime Minister said that there'd been very positive and constructive discussions with the states and territories to boost housing supply. Can the minister explain what further actions the Albanese government is taking to improve housing outcomes for Australians?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:12): As Senator Grogan would be aware, we are pursuing a comprehensive set of measures to improve the availability of housing in this country. This includes an investment of \$2 billion in social housing, reintroducing the \$10 billion Housing Australia Future Fund and providing more than half a billion dollars of investment in social and rental homes through the National Housing Infrastructure Facility.

If I can go back to the \$2 billion that I referenced earlier, the Social Housing Accelerator payment is a payment to the state and territory governments. It will create thousands of rental homes for Australians on social housing waiting lists. Next week the Prime Minister will be meeting with first ministers to have positive and constructive discussions. Our priority for this meeting is very clear. It's about increasing housing supply and housing affordability across this country. National cabinet will be considering ways to improve planning and to improve renters' rights. After a wasted decade, we don't want to waste a day.

The PRESIDENT: Senator Grogan, your second supplementary?

Senator GROGAN (South Australia) (14:13): I thank the minister. It certainly sounds like some progress is finally being made. Can the minister provide an update on the crisis and transitional accommodation support that the Albanese government's ambitious housing reform agenda will provide and also advise the Senate about any risks there may be to the government's plan?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:13): We know that the housing crisis that we have and that Australians are struggling with is a consequence of those opposite neglecting this area of policy and, in particular, neglecting those most in need. I would invite the

opposition to put people before politics, not politics before people. We would invite them to stop playing games with the Housing Australia Future Fund.

In its first five years this fund will deliver 20,000 social housing properties, 4,000 properties for women and children fleeing domestic violence and older women who are at risk of homelessness. It will provide a \$100 million dollars for crisis and transitional housing for women and children, and \$30 million to build more housing for veterans experiencing or at risk of homelessness. So we're talking about families fleeing domestic violence, we're talking about older women who are at risk of homelessness, we're talking about crisis housing and we're talking about housing for veterans. We would say to the opposition that you should put people before politics. (*Time expired*)

Aviation Industry

Senator CADELL (New South Wales—Nationals Whip in the Senate) (14:14): My question is to the Minister representing the Prime Minister, Senator Wong. In response to the government's decision to reject a Qatar Airways application for additional flights, the chief executive of the Australian Airports Association, James Goodwin stated: The Qatar situation sends a really bad signal for anyone wanting to do business in Australia. People are getting nervous now.

Industry sources suggest the government's decision will cost between \$540 million and \$788 million annually in lessened activity. That represents thousands of job opportunities in tourism, hospitality, freight and logistics, ripped away from Australian families at a time of economic uncertainty. Minister, what economic advice did the government consider on the impact of employment across these sectors when making the Qatar Airways decision? What organisations provided that advice, and will you make that advice available to the Senate?

Senator McKenzie interjecting—

The PRESIDENT: Senator McKenzie, I'm waiting for silence before I call the minister again.

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:15): I thank the senator for his question. The decision in question, from recollection, is a decision of Minister Catherine King, not of the Prime Minister. But I'm happy to take the question, notwithstanding the fact of that decision. The government is committed to continuing the growth of Australia's international air services, providing additional support and opportunities for trade and tourism, whilst maintaining a strong Australian based aviation sector. I understand that the government has decided not to approve the Qatar Civil Aviation Authority request for additional services at this time. I am also advised we have over 100 air services agreements with other countries, and we'll be seeking bilateral negotiations with other key international priority markets over the next year. When such decisions are made, obviously there are a range of factors which are considered in determining whether an expansion of bilateral air rights is in Australia's national interest. I would make the point that Senator Farrell has made, that international—

The PRESIDENT: Senator Birmingham?

Senator Birmingham: On a point of order on a question of direct relevance, the specific matters contained in Senator Cadell's question went to the description of economic activity lost as a result of the decision, and the economic advice the government considered and received. The minister has not touched on those economic impacts at all at this stage. I ask you to draw her to the question.

The PRESIDENT: I note that there was a considerable preamble, and the minister has addressed those points. I will remind her of the latter part of the question.

Senator WONG: On the point of order, I'm showing the senator a courtesy by answering in the Prime Minister's portfolio. I started the answer—this is on the point of order—with a reminder to the senator that the decision, as I recall it—I might be wrong—was actually made by Minister King.

Senator Birmingham interjecting—

Senator WONG: May I finish?

Senator Birmingham interjecting—

Senator WONG: If you want to talk—

Senator Birmingham: If you'd like to invite me to, I seek leave to make a statement—

The PRESIDENT: Order!

Senator WONG: To show a degree of courtesy to Senator Cadell, he's asking details about a decision that is made in another portfolio. I'm seeking to respond as best I can on the broader policy point.

The PRESIDENT: Thank you, Minister Wong. I note that you did make that immediate point when you stood to answer the question. I'm not sure if Minister Wong has finished her contribution.

Senator WONG: I will continue. Coming back to the point that Senator Farrell made yesterday, international travel is recovering strongly. I know Senator Cadell talked about economic impact. I understand in the year ending January 2023 there were over 21 million passenger movements in and out of Australia. That's an increase of in excess of 1,000 per cent over the previous year, ending January 2022. We are obviously on a much better path as a consequence of the post-COVID recovery.

The PRESIDENT: Senator Cadell, first supplementary?

Senator CADELL (New South Wales—Nationals Whip in the Senate) (14:19): What economic advice did the Prime Minister consider on the impacts to national economic growth and to our high-value export industries, including the farming sector, when making the Qatar Airways decision? Will the minister table that economic advice to the Prime Minister or cabinet in the Senate?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:19): I don't think any minister tables anything that's gone to cabinet, but, again, I'll try to give you the courtesy of a response. The Prime Minister's focus is on the strength of the Australian economy. In the face of some challenging economic circumstances globally, we are very focused on ensuring we maximise Australia's growth and maximise the benefit to Australians of that economic growth.

I'm asked about international issues. Obviously, one of the reasons we have worked very hard to stabilise the relationship with China is we recognise that it is important for us to seek to have those trade impediments removed. That is of benefit to the Australian economy. In relation to the question asked, I again remind the senator that, as I understand it—and no-one has gainsaid me—under legislation this is the decision of Minister Catherine King. (*Time expired*)

The PRESIDENT: Senator Cadell, a second supplementary?

Senator CADELL (New South Wales—Nationals Whip in the Senate) (14:20): The government has been unable or unwilling to justify the specific reasons for the decision to reject Qatar Airways for the additional flights. Can the minister ensure the Senate that neither the Prime Minister nor the Minister for Infrastructure, Transport, Regional Development and Local Government had any meetings or discussions with any major domestic carrier about the Qatar application prior to making the decision on Qatar Airways, and, specifically, what role did the PM play in the decision, if any?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:21): Again, statutorily, the decision is for Minister King, but—

The PRESIDENT: Senator McKenzie, a point of order?

Senator McKenzie: The minister did say 'but' as I was standing up, but we know who has the statutory responsibility. Our question has continually been: what role did the Prime Minister play, and what role did Qantas lobbying play, in the government's decision?

The PRESIDENT: Senator McKenzie, I will remind you that Senator Cadell's question did reference, along with the Prime Minister, the infrastructure minister. Minister Wong, please continue.

Senator WONG: The question asked for a range of matters that are within the decision-making purview of Minister Catherine King. As I said to you, Senator, there are obviously national interest considerations that any minister takes into account. In terms of meetings, I think anybody in this place knows that the aviation sector is not backward in coming forward in putting their views to all senators and members. I would be surprised if most people in this place, at some point, had not had a view put to them by various parts of the aviation sector. I didn't actually go to the event, but I understand—

Senator Colbeck: Did they meet with Tony? Did you ask Tony? Did they ask you what you thought, Sterlo?

The PRESIDENT: Senator Colbeck!

Senator WONG: I would make the point that the aviation industry is an industry that is very clear about its views. (*Time expired*)

Donations To Political Parties

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:23): My question is to the Minister representing the Prime Minister, Senator Wong. Public trust in our democracy is at an all-time low, and the community feel less and less confident that their representatives represent them—as opposed to political donors. The big four consultancy firms donated more than \$4.3 million to both sides of politics over the last 10 years, and they secured \$8 billion in government contracts over that same time period—work that could and should be done by a strong, independent Public Service. Polling this week has found an overwhelming national support, including from 70 per cent of Labor voters, for a ban on political donations from any organisation that receives funding from

government contracts. When will the government listen to the majority of its voters and ban donations from organisations seeking or holding government contracts?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:23): Again, I'm happy to take the question, and I'm very pleased you like asking me questions, but this is obviously within Senator Farrell's portfolio, as the Special Minister of State. I will do my best to respond to you, Senator Waters. You are correct: I think people have been appalled by some of the reports that we have had about the behaviour of some of those firms. Senators, including Senator O'Neill and others, have rightly made comment about that. In relation to your comment about the Public Service, I think Senator Gallagher as Minister for Finance and Minister for the Public Service is working very hard to strengthen the Public Service, because we do share the view about the importance of a capable and independent public service. In relation to the political donation point, I understand JSCEM, the Joint Standing Committee on Electoral Matters, provided an interim report. It has recommended introducing real-time disclosure of political donations and lowering the disclosure threshold. I understand that this report is something that Senator Farrell will be and is discussing with all parties represented in this place. I hope that we can see appropriate reforms arising out of the JSCEM report that are capable of being supported by parties across this chamber, because I agree with you—donations do go to both the perceived and actual integrity of democracy and of voting. We saw, particularly in the last election, some very large donations from some individuals had effect. *(Time expired)*

The PRESIDENT: Senator Waters, first supplementary?

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:26): Gas corporation Tamboran Resources who want to open up the Beetaloo basin, which will be a climate bomb, donated \$200,000 to both big parties in 2021-22. In that same financial year, Tamboran received a grant of \$7½ million of public money for natural gas exploration at the Beetaloo. The Greens attempted to disallow that, but both big parties backed it in. When will the government end the perception of being for sale by banning political donations from organisations seeking government grants? *(Time expired)*

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:26): Again, I would urge Senator Waters to recall that there are decisions that parties of government make—I can't speak for the coalition, but I can speak for the Labor Party—on the basis of our assessment of the right policy outcome and the right outcome for the country. I appreciate Senator Waters may not agree with some of those decisions. That's why she leads the Greens in this chamber and why I lead the Labor Party in this chamber. We have different views about the way forward for the country. Not every decision that you disagree with that we make, even if you vehemently disagree with it, is because we've had a donation. I think the implication—in fact, sometimes the accusation—from the Greens that suggests that is wrong. I do agree that a more transparent and accountable system of donations is a good thing. *(Time expired)*

The PRESIDENT: Senator Waters, second supplementary?

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (14:27): Donations to political parties shouldn't be able to buy government contracts or grants, nor should they be able to buy environmental approvals. Adani and its subsidiaries donated \$250,000 to the coalition in the same year as it received its final environmental approvals for its megamine. When will the government ban political donations from corporations seeking environmental approval?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:28): Again I'd refer to my previous answer, and I would make the point—although far be it from me to defend decisions the coalition made—that there is the EPBC Act, which provides the minister of the day with statutory obligations and discretion. That is the context in which decisions are made, but the senator correctly identifies it is important that the principle of transparency and accountability across our electoral system, particularly in relation to donations, is optimised. I have no doubt that Senator Farrell, who is a very consultative minister in relation to this issue, understands the importance of negotiating and discussing this matter with parties. I hope that we can see cross-party agreement around reforms as we go forward.

Trade with China

Senator GREEN (Queensland) (14:29): My question is to the Minister for Trade and Tourism, Senator Farrell. Recently, we have taken some significant and important steps in stabilising our relationship with China and removing some of the trade impediments that were hurting Australian businesses across a range of industries, including coal, timber and barley. In regions like tropical North Queensland, the slow return of visitors from China has held back the full recovery of the region's tourism industry. Can the minister please update the Senate on any progress towards the recovery of Chinese tourism to Australia, particularly the regions?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:30): I thank Senator Green for her question, and I note that she is a very passionate supporter of the tourism industry in tropical North Queensland and right across the sunshine state. It's been an eventful week on the trade front. As a result of the hard work by the government and industry, Australian barley growers can now re-enter the Chinese market. It's good news for, obviously, our agricultural sector, but it's equally good news for Chinese beer drinkers. But that is not all. About five minutes ago, the Chinese government announced Australia's re-inclusion on the Approved Destination Status outbound group travel scheme, known as ADS. This—

Senator Watt interjecting—

The PRESIDENT: Minister Farrell, please resume your seat. Senator Watt, slapping the desk is particularly disorderly.

Honourable senators interjecting—

The PRESIDENT: Order! Minister Farrell.

Senator FARRELL: This is very welcome news for our tourism industry, because it means group tours from China will soon be returning to Australia in great numbers. Based on the pre-pandemic trends, this means hundreds of thousands of additional visitors each year, who will collectively spend more than half a billion dollars each year in Australia. The Chinese government suspended the ADS scheme globally in late 2020 as the COVID-19 pandemic took hold. Until now, Australia had not been re-included in China's list of approved destinations—

Senator Canavan interjecting—

Senator FARRELL: I know you don't like this good news for Queensland, Senator Canavan, but I'm going to tell you anyway. Until now, Australia had not been re-included in China's approved list of destinations for a pilot resumption of the ADS. We welcome our inclusion, and we welcome Chinese group tour visitors back to Australia, including in Queensland, where you come from, Senator Canavan. China's inclusion of Australia in its ADS scheme—

The PRESIDENT: Thank you, Minister. I remind you, when you are answering, to direct your comments to the chair. Senator Green, first supplementary?

Senator GREEN (Queensland) (14:32): That is fantastic news for tourism, particularly in regional Queensland. Can the minister outline for the Senate the value of the Chinese market to Australia's visitor economy and what further recovery of visitation from China will mean for Australian tourism businesses?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:33): I thank Senator Green for her first supplementary question. Yes, I can give you an answer to that question. Pre-pandemic, China was Australia's largest and most valuable inbound tourism market. In 2019, Australia received nearly 1.5 million short-term visitors from China. More than a quarter of a million of them were holiday-makers who travelled to Australia on the ADS scheme. Those ADS travellers spent more than half a billion dollars across Australia in 2019. The return of Chinese group tour travellers is particularly important in certain regions. This includes tropical North Queensland—did you hear that, Senator Canavan?—and some of our most iconic tourism drawcards. For example, the Sydney Opera House previously received large numbers of ADS travellers— *(Time expired)*

The PRESIDENT: We'll wait for silence before I call Senator Green.

Senator Colbeck interjecting—

Honourable senators interjecting—

The PRESIDENT: Order, Senator Colbeck! Order! Senator Green, second supplementary?

Senator GREEN (Queensland) (14:34): The mind boggles as to why anyone would oppose such fantastic news. Can the minister update the Senate on what the government has been doing to ensure demand for an Australian holiday remained high in China during the suspension of the scheme?

Honourable senators interjecting—

Senator Canavan interjecting—

Senator Colbeck interjecting—

The PRESIDENT: Order across the chamber! Senator Canavan, I've called you a number of times, as I have you, Senator Colbeck.

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:35): I thank Senator Green for her second supplementary question. The global Come and Say G'day campaign was officially launched in China by Tourism Australia on 29 June 2023.

Senator Ayres interjecting—

Senator Canavan interjecting—

The PRESIDENT: Senator Ayres and Senator Canavan, those interjections across the chamber are disorderly! The minister is speaking.

Senator FARRELL: Senator Canavan obviously doesn't like good news in the tourism industry. In just over a month since it was launched in China, there have been—

Senator Canavan interjecting—

The PRESIDENT: Minister Farrell, please resume your seat. Senator Canavan! Minister, please continue.

Senator FARRELL: In just over a month since it was launched in China, there have been 66 million views of the short film, more than 1,350 media reports and around \$22 million in earned advertising value. Following China's announcement today, the Australian government can prioritise the steps needed to facilitate the return of ADS travellers from China as soon as possible. The Australian tourism industry is passionate, resilient and hardworking, unlike the coalition. Today's announcement will be welcomed by the industry as they continue to build the ongoing recovery of the sector. *(Time expired)*

Nuclear Waste Management

Senator THORPE (Victoria) (14:36): My question is for the Minister representing the Minister for Industry and Science, Minister Farrell. The federal government have spent \$13 million on legal fees alone to try and force their nuclear waste dump on the land of the Barnjarla people, who have spent less than \$500,000, as there was no consent for this dump. How do the Labor government reconcile the vast power and resource disparity they use to deny First People their self-determination?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:37): I thank Senator Thorpe for her question. I note that we're getting attacked from the Left and the Right on this issue, which makes me think that Madeleine King, the Minister for Resources, is treading down the right path here.

Obviously the extent to which legal fees have been spent in this area has been a decision principally, in terms of the government, of the previous government but also of the Barnjarla people themselves. It's not clear to me just where the situation lies in terms of costs, but I imagine that will be an issue that will be determined at some point in these proceedings.

We've got an important issue here. Dealing with the issue of low-level waste has been a difficult and important—

The PRESIDENT: Minister Farrell, please resume your seat. Senator Thorpe?

Senator Thorpe: I raise a point of order on relevance, President. My question was about the disparity the government are using to deny First People their self-determination.

The PRESIDENT: Your question also went to legal fees. I think the minister is being relevant, but I'll continue to listen carefully.

Senator FARRELL: I think it's worth noting that, in the previous parliament, it was the decision of the Labor Party to allow the judicial review process to be incorporated into the Kimba proposal that led to the ability of the Barnjarla people to make this challenge on this occasion, which obviously has been a successful challenge. But I do make this point: there's lots of low-level nuclear waste— *(Time expired)*

The PRESIDENT: Senator Thorpe, first supplementary?

Senator THORPE (Victoria) (14:39): What will your government's next steps be in pursuing a national radioactive waste dump?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:40): I thank Senator Thorpe for her question. I think I did go to answering that question when Senator Birmingham asked me it earlier in the day. It's not an easy thing to now resolve, given the decision under the judicial review. But, like it or not, there's lots of low-level nuclear waste stored in all sorts of places in Australia and the government, in accordance with the National Radioactive Waste Management Act 2012, which was introduced by the Labor Party, are now going to revisit the issue under Minister King's very careful guidance to work out where we might be able to place this radioactive waste. *(Time expired)*

The PRESIDENT: Senator Thorpe, a second supplementary?

Senator THORPE (Victoria) (14:41): The Treaty on the Prohibition of Nuclear Weapons, which ICAN won the Nobel peace prize for, is still not signed by the very nation it originated in. When will the government sign the treaty, as Labor has promised to do?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:41): I thank Senator Thorpe for her question. I make the point that it's probably not supplementary to the questions that have been asked in respect of Kimba and the nuclear waste facility. The issue of treaties is not something that is in my portfolio. I have responsibility for trade and tourism and I am Special Minister of State. We are extremely fortunate in this place to have Senator Wong as our wonderful Minister for Foreign Affairs, and I shall be—

The PRESIDENT: Minister Farrell, please resume your seat.

Senator Thorpe: I raise a point of order on relevance. The question was: when will the government sign the treaty as promised by the government. I understand that the minister may not have that on hand, but could he seek that advice from the minister he's representing?

The PRESIDENT: What the minister said at the outset, Senator Thorpe, was that this second supplementary needed to be related to the primary question and the first supplementary question. They went to low-level waste, as I understood them, and to legal costs, so I agree with the minister that the third question is not related to the other two. He has been answering it, so this is really an invitation to the minister to answer the question, because it's not a supplementary in the true meaning of a supplementary.

Senator FARRELL: Thank you, President, for that clarification. I shall discuss the matter with the foreign minister after question time and I will come back to you with a formal response to the question that you've asked, even though it's not in the specific area of my portfolio.

Aboriginal Land Councils

Senator LIDDLE (South Australia) (14:43): My question is to the Minister representing the Minister for Indigenous Australians, Senator Gallagher. Minister, the latest edition of the Northern Land Council's *Land Rights News* publication includes an eight-page bumper spread on the Voice to Parliament, a full-page unauthorised ad and four pages of the minister's recent Press Club address verbatim. There is no mention of the arguments against the Voice. Is it appropriate for a taxpayer-funded land council to be doing this?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:44): To begin with, I'm not aware of the publication that Senator Liddle outlined in her question nor the material as it has been presented, so I think, in the first instance, before being in a position to answer, I would want to see that. I don't think it's unusual that there would be discussion about the Voice over the next few months as we lead up to the referendum. Across this country, I think there will be quite a number of articles written in quite a number of publications as organisations seek to get information out about the Voice and, if they are supporting the Voice, why they are supporting the Voice.

The PRESIDENT: Do you rise on a point of order, Senator Liddle?

Senator Liddle: Yes, it is a point of order. While I appreciate the response in relation to not having seen it, the question does go to whether it is a reasonable representation to just present the yes case.

The PRESIDENT: The minister is being relevant to your question. Minister, have you finished your answer?

Senator GALLAGHER: I was just going to say that we would want to see that publication before I am in a position to answer the question comprehensively. But I don't think it is unusual that organisations will have a view on the referendum and that they would seek to outline some of the reasons why they have that view. I don't think that is unusual. If there is anything further I can provide, or if that publication that you quote from can be provided, I am happy to come back to the senator.

The PRESIDENT: Senator Liddle, a first supplementary?

Senator LIDDLE (South Australia) (14:45): Minister, in the community of Ngukurr, traditional owners are living in squalor, their houses are overcrowded and in urgent need of maintenance and repair. They have also been lobbying the NLC to focus on their issues. Is that the role of the Northern Land Council to help them? But why is the NLC not listening to their voices?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:46): I don't accept that they are not listening to the local community. There is a difference of opinion across the chamber, as we understand it, between the view that you have around the Voice and the view that we have. We believe the Voice is part of the solution to ensuring that the voices of local communities are heard and that local

communities have a say in response to some of the challenges that local communities face and in response to some of the priorities that those communities would seek to have the government's and other organisation's attention paid to. This is fundamental to the request through the Uluru Statement from the Heart about having a Voice, about constitutional recognition and a permanent voice that is able to provide advice that listens to the voices of local communities and is able to provide that to government. It is exactly why we believe it is an important change to get through. (*Time expired*)

The PRESIDENT: Senator Liddle, a second supplementary?

Senator LIDDLE (South Australia) (14:47): The ANAO found Central Land Council's fraud control arrangements fall short of the minimum requirements established in the fraud rule. Members on this side of the chamber are united in forcing an inquiry into the conduct of the land councils and other organisations. Why won't the government shed light on those publicly funded organisations, support our inquiry and give people a voice?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:47): The government believes that land councils play an important leadership role in Aboriginal communities, that they work in the interests of their members and play a critical role in supporting economic development in some of the most remote areas of the country. The ANAO has undertaken its scheduled performance audits of the four Northern Territory land councils. The governance of the Tiwi Land Council, the Central Land Council have already been presented to parliament. The report on the Northern Land Council is expected sometime in August this year. The minister has asked the NIAA to work closely with those land councils to progress the implementation of relevant recommendations as a priority, as is standard practice when ANAO releases a report with recommendations across government. That is the way we implement those recommendations.

Covid-19: Response

Senator BABET (Victoria—United Australia Party Whip) (14:48): My question is to the Minister representing the Minister for Health and Ageing, Minister Gallagher. Earlier this week I moved a motion asking the government to establish a royal commission to investigate the pandemic response, which unfortunately the government opposed. The Department of Health's website states that a draft WHO pandemic treaty instrument is in the works which is 'informed by lessons learned from the pandemic'. Minister, can you tell us how these lessons learned have been determined, because I have no idea, and why that approach is better than just having a royal commission?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:49): I thank Senator Babet for the question, and also for the heads-up on his question about an inquiry into the COVID-19 pandemic. We've been clear that there should be an inquiry into the pandemic. We believe it had such massive implications across the economy, across the community that an inquiry would need to be undertaken at the right time. Our position at the moment is that we are still progressing through the pandemic. People are still becoming unwell and management plans are still in place, so that remains the government's focus to ensure that we are responding to that appropriately, but we also do believe there needs to be an inquiry. There have also been a number of inquiries conducted or that are in the process of being conducted across the states and territories. That should feed into information that we would use at the federal level.

In relation to the pandemic treaty, as related by Senator Babet, this was discussed at Senate estimates in pretty great length. There has been a lot of work done and it is useful to be part of those international discussions about how countries responded to the pandemic and to understand the lessons learned through that. Obviously, there is still the need for local lessons to be learned as well, which the department of health and others would do routinely to prepare the country in the event that there is another pandemic.

So there are pieces of work underway. We are informed by the work being done across the international community, but we don't walk away from the need for a local inquiry at the right time.

The PRESIDENT: Senator Babet, first supplementary?

Senator BABET (Victoria—United Australia Party Whip) (14:51): 'At the right time'—that is an interesting one. We saw during the pandemic a one-size-fits-all approach to public health where restrictions were forced upon us with regard to healthcare movement, business closures, school closures et cetera. Minister, how are we going to know which of these approaches benefited us and which didn't without a royal commission? Could you tell us when you think it might potentially be the right time for this royal commission?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:52): That is to be determined by the government. But I am being clear that we do believe that there needs to be an inquiry, when that is determined by the government. The government made an election commitment to create a

Centre for Disease Control as well, which has been funded in the budget. We didn't have one, we believed it was a gap in our pandemic response. The Australian Centre for Disease Control is being created to ensure that we are prepared and undertake the necessary planning and other work with a focus on preventing or managing pandemic risks, but also providing that advice to government.

The PRESIDENT: Senator Babet, second supplementary?

Senator BABET (Victoria—United Australia Party Whip) (14:53): We talked in brief there about the WHO pandemic treaty. I would like to elaborate on that a little bit if we can. Will the WHO potentially take the reins if we have another pandemic? I'm very concerned about this treaty, Minister. If you could shed some light on that, that would be great. Thank you.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:53): This was raised at Senate estimates. A number of questions were asked to the department of health. It was made clear that Australia would retain sovereignty regarding public health policies, and that the WHO has no legal authority to force countries to accept any of its recommendations and is only really there to provide aid and assistance at members request.

Australia would retain our powers to make decisions on our own borders and on our own public health and social measures, so I think that should give people the assurance that it's Australia and Australia's response that will guide future planning and future responses to disease outbreaks. But there is a use and a purpose behind being able to access information and learnings from the international community which is represented through that World Health Organization.

Health Care

Senator PAYMAN (Western Australia) (14:54): My question is to the Minister representing the Minister for Health and Aged Care, Senator Gallagher. Today, in a move that speaks volumes about their priorities, the coalition have tried to deny Australians access to the Albanese Government's 60-day dispensing policy. At a time when Australians are already grappling with escalating cost-of-living pressures, how would this have exacerbated the financial strain on families and individuals who rely on these essential medicines? Can the minister articulate the real-world consequences for the millions of Australians living with chronic conditions?

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (14:56): I thank Senator Payman for this important question around 60-day dispensing and ensuring that medicines are made cheaper for the six million Australians who suffer from long-term health conditions and chronic conditions. They will be able to make savings in the order of \$180 per medicine per year through this change.

It is really staggering that those opposite are opposed to this cost-of-living measure. We saw the ridiculous situation this morning where we saw the opposition vote against bringing their disallowance motion on six times. Six times we saw that rabble over there vote against their own motion. Six times they voted to keep medicines higher for longer for six million Australians. Then they pretend that they have an interest in addressing cost-of-living measures. This is an important cost-of-living measure that will save hundreds of dollars per medicine for those who have long-term medication needs in this country.

And, when the Senate gave room in the program to deal with the very important motion moved by Senator Ruston, what happened? We all sat on our hands and had nothing to say.

Honourable senators interjecting—

The PRESIDENT: Order! Senator McGrath and Senator Hughes! Senator Hughes! Senator Hughes, how many times do you need to be called to order? Once, I would think.

Senator GALLAGHER: So the motion now just sits there, an orphan on the *Notice Paper*. We're then failing to deal with it, and they need to explain why they are voting—

The PRESIDENT: Order!

Senator Watt interjecting—

The PRESIDENT: Senator Watt, that is really unhelpful. Order across the chamber! As I have reminded senators on many occasions, if you want to make a contribution, do it at some other time in the sitting calendar.

Senator GALLAGHER: Those opposite need to explain to those six million Australians who will benefit from this change and why they want medicines to get higher for longer, as they did for the five years when they didn't deal with this when they were in government.

The PRESIDENT: Senator Payman, a first supplementary?

Senator PAYMAN (Western Australia) (14:59): Minister, why is it so important to have 60-day dispensing of medicines for conditions such as cardiovascular disease and osteoporosis? Can the minister inform the Senate how much Medicare cardholders and concession cardholders will save with the beginning of 60-day dispensing on 1 September? Furthermore, how would a delay have contradicted expert recommendations and gone against the overwhelming support from consumer groups and major doctors associations for this reform?

Senator Hughes interjecting—

The PRESIDENT: I beg your pardon, Senator Hughes.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (15:00): I thank Senator Payman for the supplementary. As I outlined in my earlier answer, Medicare cardholders stand to save up to \$180 a year for eligible medicines that they take, and concession cardholders will benefit by \$43.80 per medicine per year. I do acknowledge that every major patient group and every single doctors group support this measure because it's good from a cost-of-living perspective. It's also, importantly, good for people's health care, by having access to medicines at an affordable level and in a way that is convenient for patients.

The PRESIDENT: Senator Payman, second supplementary?

Senator PAYMAN (Western Australia) (15:01): Minister, why is it important to have 60-day dispensing for Australians living with chronic conditions, including cardiovascular disease, Crohn's disease, osteoporosis, diabetes, asthma, Parkinson's disease, depression, hypertension and others? How would the coalition's position to delay have created a missed opportunity to support those battling chronic illnesses and modernise a system in need of reform?

Senator Henderson interjecting—

Senator McGrath interjecting—

The PRESIDENT: Senator Henderson. Senator McGrath.

Senator GALLAGHER (Australian Capital Territory—Minister for the Public Service, Minister for Finance, Minister for Women, Manager of Government Business in the Senate and Vice-President of the Executive Council) (15:01): This change is important because it's going to make medicines cheaper for six million Australians, and we will always be on the side of cheaper medicines.

Senator Wong: President, I ask that further questions be placed on the *Notice Paper*.

BUSINESS

Rearrangement

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (15:01): I seek leave to move a motion relating to the notice of motion proposing the disallowance of schedule 2 to the National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023.

Leave not granted.

Senator WONG: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely: a motion to provide that a motion relating to the consideration of a disallowance motion may be moved immediately and determined without amendment or debate.

And I move:

That the question be now put.

The PRESIDENT: The question is that the question now be put.

The Senate divided. [15:07]

(The President—Senator Lines)

Ayes.....33
 Noes.....29
 Majority.....4

AYES

Ayres, T.	Bilyk, C. L.	Brown, C. L.
Chisholm, A.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.

McAllister, J. R.
 Payman, F.
 Polley, H.
 Sheldon, A. V.
 Stewart, J. N. A.
 Walsh, J. C.
 Whish-Wilson, P. S.

McKim, N. J.
 Pocock, B.
 Pratt, L. C.
 Shoebridge, D.
 Thorpe, L. A.
 Waters, L. J.
 White, L.

O'Neill, D. M.
 Pocock, D. W.
 Rice, J. E.
 Smith, M. F.
 Urquhart, A. E. (Teller)
 Watt, M. P.
 Wong, P.

NOES

Antic, A.
 Birmingham, S. J.
 Cadell, R.
 Chandler, C.
 Fawcett, D. J.
 Hume, J.
 McGrath, J.
 O'Sullivan, M. A.
 Reynolds, L. K.
 Scarr, P. M. (Teller)

Askew, W.
 Bragg, A. J.
 Canavan, M. J.
 Colbeck, R. M.
 Henderson, S. M.
 Kovacic, M.
 McKenzie, B.
 Paterson, J. W.
 Roberts, M. I.
 Tyrrell, T. M.

Babet, R.
 Brockman, W. E.
 Cash, M. C.
 Duniam, J. R.
 Hughes, H. A.
 Liddle, K. J.
 McLachlan, A. L.
 Rennick, G.
 Ruston, A.

Question agreed to.

The PRESIDENT (15:10): The question now is that the motion to suspend standing orders be agreed to.

The Senate divided. [15:11]

(The President—Senator Lines)

Ayes.....33
 Noes.....29
 Majority4

AYES

Ayres, T.
 Chisholm, A.
 Faruqi, M.
 Grogan, K.
 McAllister, J. R.
 Payman, F.
 Polley, H.
 Sheldon, A. V.
 Stewart, J. N. A.
 Walsh, J. C.
 Whish-Wilson, P. S.

Bilyk, C. L.
 Cox, D.
 Gallagher, K. R.
 Hanson-Young, S. C.
 McKim, N. J.
 Pocock, B.
 Pratt, L. C.
 Shoebridge, D.
 Thorpe, L. A.
 Waters, L. J.
 White, L.

Brown, C. L.
 Farrell, D. E.
 Green, N. L.
 Lines, S.
 O'Neill, D. M.
 Pocock, D. W.
 Rice, J. E.
 Smith, M. F.
 Urquhart, A. E. (Teller)
 Watt, M. P.
 Wong, P.

NOES

Antic, A.
 Birmingham, S. J.
 Cadell, R.
 Chandler, C.
 Fawcett, D. J.
 Hume, J.
 McGrath, J.
 O'Sullivan, M. A.
 Reynolds, L. K.
 Scarr, P. M. (Teller)

Askew, W.
 Bragg, A. J.
 Canavan, M. J.
 Colbeck, R. M.
 Henderson, S. M.
 Kovacic, M.
 McKenzie, B.
 Paterson, J. W.
 Roberts, M. I.
 Tyrrell, T. M.

Babet, R.
 Brockman, W. E.
 Cash, M. C.
 Duniam, J. R.
 Hughes, H. A.
 Liddle, K. J.
 McLachlan, A. L.
 Rennick, G.
 Ruston, A.

Question agreed to.

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (15:13): I move:

That a motion relating to the consideration of a disallowance motion may be moved immediately and determined without amendment or debate.

And I move:

That the question be now put.

The PRESIDENT: The question is that the question now be put.

The Senate divided. [15:14]

(The President—Senator Lines)

Ayes.....33
 Noes.....29
 Majority.....4

AYES

Ayres, T.	Bilyk, C. L.	Brown, C. L.
Chisholm, A.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.
McAllister, J. R.	McKim, N. J.	O'Neill, D. M.
Payman, F.	Pocock, B.	Pocock, D. W.
Polley, H.	Pratt, L. C.	Rice, J. E.
Sheldon, A. V.	Shoebridge, D.	Smith, M. F.
Stewart, J. N. A.	Thorpe, L. A.	Urquhart, A. E. (Teller)
Walsh, J. C.	Waters, L. J.	Watt, M. P.
Whish-Wilson, P. S.	White, L.	Wong, P.

NOES

Antic, A.	Askew, W.	Babet, R.
Birmingham, S. J.	Bragg, A. J.	Brockman, W. E.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Colbeck, R. M.	Duniam, J. R.
Fawcett, D. J.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McGrath, J.	McKenzie, B.	McLachlan, A. L.
O'Sullivan, M. A.	Paterson, J. W.	Rennick, G.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M. (Teller)	Tyrrell, T. M.	

Question agreed to.

The PRESIDENT (15:20): The question now is that the procedural motion moved by the minister be agreed to.
A division having been called and the bells being rung—

Senator McKenzie: This is the only thing you've rushed!

The PRESIDENT: Senator McKenzie, we were doing so well!

The Senate divided. [15:20]

(The President—Senator Lines)

Ayes.....33
 Noes.....29
 Majority.....4

AYES

Ayres, T.	Bilyk, C. L.	Brown, C. L.
Chisholm, A.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.
McAllister, J. R.	McKim, N. J.	O'Neill, D. M.
Payman, F.	Pocock, B.	Pocock, D. W.
Polley, H.	Pratt, L. C.	Rice, J. E.
Sheldon, A. V.	Shoebridge, D.	Smith, M. F.
Stewart, J. N. A.	Thorpe, L. A.	Urquhart, A. E. (Teller)
Walsh, J. C.	Waters, L. J.	Watt, M. P.
Whish-Wilson, P. S.	White, L.	Wong, P.

NOES

Antic, A.	Askew, W.	Babet, R.
Birmingham, S. J.	Bragg, A. J.	Brockman, W. E.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Colbeck, R. M.	Duniam, J. R.
Fawcett, D. J.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McGrath, J.	McKenzie, B.	McLachlan, A. L.
O'Sullivan, M. A.	Paterson, J. W.	Rennick, G.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M. (Teller)	Tyrrell, T. M.	

Question agreed to.

BUSINESS**Rearrangement**

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (15:23): I move:

That:

(1) the notice of motion proposing the disallowance of Schedule 2 to the National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023 be called on immediately and determined without amendment or debate; and

(2) divisions may take place after 4.30 pm for the purposes of the disallowance motion only.

The PRESIDENT: Senator Birmingham?

Senator Birmingham: A point of order, President. I ask you to rule in the relation to the validity of this motion. Earlier today, the Senate made its will clear in relation to the consideration of this disallowance—albeit in chaotic scenes from the government. At the end of those, the will of the Senate was clear and at that time you advised the Senate that the motion was deferred until the next sitting day. That of course would provide the three-week period for the government to follow its promise, undertake its consultation with community pharmacies and clean up its policy mess. The government appears to be seeking to overturn the rule of the Senate and the determination you gave earlier today in relation to this motion. President, I would ask you to consider the validity of this motion, given the determination of the Senate and yourself earlier today.

The PRESIDENT: Senator Wong?

Senator Wong: On the point of order, President. The will of the Senate has been demonstrated by the numerous votes we've just had, including on the suspension of standing orders.

The PRESIDENT: Senator Birmingham, I'll just seek some advice from the Clerk. I'm advised, Senator Birmingham, that the motion is in order. The procedure motion just agreed to requires that the substantive motion be put without amendment or debate, so I will put the question. The question is that the motion moved by Minister Wong be agreed to. Division required? Ring the bells for one minute.

A division having been called and the bells being rung—

An honourable senator interjecting—

The PRESIDENT: I don't believe that was debate. That was simply a point of order by Senator Birmingham.

An honourable senator interjecting—

The PRESIDENT: I refer you to the standing orders.

Senator McGrath interjecting—

The PRESIDENT: Senator McGrath!

Senator McGrath interjecting—

The PRESIDENT: Order! Senator McGrath, I have just called you, and I expect you to come to order! The question is as moved by the minister.

The Senate divided. [15:26]

(The President—Senator Lines)

Ayes.....33
 Noes.....29
 Majority4

AYES

Ayres, T.	Bilyk, C. L.	Brown, C. L.
Chisholm, A.	Cox, D.	Farrell, D. E.
Faruqi, M.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.
McAllister, J. R.	McKim, N. J.	O'Neill, D. M.
Payman, F.	Pocock, B.	Pocock, D. W.
Polley, H.	Pratt, L. C.	Rice, J. E.
Sheldon, A. V.	Shoebridge, D.	Smith, M. F.
Stewart, J. N. A.	Thorpe, L. A.	Urquhart, A. E. (Teller)
Walsh, J. C.	Waters, L. J.	Watt, M. P.
Whish-Wilson, P. S.	White, L.	Wong, P.

NOES

Antic, A.	Askew, W.	Babet, R.
Birmingham, S. J.	Bragg, A. J.	Brockman, W. E.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Colbeck, R. M.	Duniam, J. R.
Fawcett, D. J.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McGrath, J.	McKenzie, B.	McLachlan, A. L.
O'Sullivan, M. A.	Paterson, J. W.	Rennick, G.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M. (Teller)	Tyrrell, T. M.	

Question agreed to.

REGULATIONS AND DETERMINATIONS

National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023

Disallowance

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (15:28): I note that, in accordance with standing order 78(3), Senator Pratt has indicated her objection to a withdrawal of the motion called on earlier today and has had her name put on the motion. At the request of Senator Pratt, I move:

That Schedule 2 to the National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023, made under the *National Health Act 1953*, be disallowed [F2023L00843].

The PRESIDENT: Senator Birmingham?

Senator Birmingham: Point of order, President. I note the minister has moved the motion on behalf of Senator Pratt. Firstly, there are two points that I wish to have clarified for the benefit of the chamber, please. The first is that the effect of the notice of transfer is that Senator Pratt is now moving the motion to disallow the government's policy and regulation in relation to the change to dispensing rules for community pharmacies. Can I firstly just have clarified for the benefit of the Senate and senators that the effect of this is that a Labor senator, Senator Pratt, is now moving the motion to disallow the government's own policy?

The PRESIDENT: Order! That's correct, Senator Birmingham. And your second point?

Senator Birmingham: Thank you for that clarification, President. With that—

Honourable senators interjecting—

The PRESIDENT: I'm sorry, Senator Birmingham; you will need to resume your seat. I need order in the chamber.

Senator Cash interjecting—

The PRESIDENT: Senator Cash, I just called for order in the chamber. That includes you.

Senator Birmingham: With that in mind, can I seek an understanding, President, from you, that Senator Pratt therefore needs to vote for the motion that she is moving?

The PRESIDENT: That's not correct, Senator Birmingham. The principle was established in 1991 that the senator is free to vote either way. Is this a further point of order?

Senator Birmingham: It's a further point of order. I know you've just received advice from the Clerk about a 1991 principle, but this is quite an extraordinary and preposterous situation where we have a Labor senator—

The PRESIDENT: Senator Birmingham, this is not—

Senator Birmingham: who—

The PRESIDENT: Senator Birmingham, I'd like you—

Senator Birmingham: President—

Honourable senators interjecting—

The PRESIDENT: Order!

Senator Wong interjecting—

The PRESIDENT: Senator Wong, I'm going to allow Senator Birmingham to immediately get to the point of order.

Senator Birmingham: I'm asking for some more detail. It's a 1991 precedent without any reference to the detail of it, as to what type of motion it was, the circumstances of it or the grounds upon which a ruling was made allowing a senator to move a motion and then vote the opposite way and against their own motion. It's completely preposterous!

The PRESIDENT: Senator Birmingham, you asked me a specific point in relation to Senator Pratt as the mover of the motion. I indicated to you a longstanding rule of the chamber that it was completely in order. I am once again informed by the Clerk that it's completely in order, and, unless a division is called by that senator, the senator is free to vote either way. So I'm going to proceed, and Senator Wong has moved a motion.

The question is that the motion as moved by Senator Wong be agreed to.

The Senate divided. [15:36]

(The President—Senator Lines)

Ayes.....28
Noes.....33
Majority.....5

AYES

Antic, A.
Birmingham, S. J.
Cadell, R.
Chandler, C.
Fawcett, D. J.
Hume, J.

Askew, W.
Bragg, A. J.
Canavan, M. J.
Davey, P. M.
Henderson, S. M.
Kovacic, M.

Babet, R.
Brockman, W. E.
Cash, M. C.
Duniam, J. R.
Hughes, H. A.
Liddle, K. J.

McGrath, J.
O'Sullivan, M. A.
Roberts, M. I.
Tyrrell, T. M.

McKenzie, B.
Rennick, G.
Ruston, A.

McLachlan, A. L.
Reynolds, L. K.
Scarr, P. M. (Teller)

NOES

Ayres, T.
Chisholm, A.
Farrell, D. E.
Green, N. L.
Lines, S.
O'Neill, D. M.
Pocock, D. W.
Rice, J. E.
Smith, M. F.
Urquhart, A. E. (Teller)
Whish-Wilson, P. S.

Bilyk, C. L.
Cicccone, R.
Faruqi, M.
Grogan, K.
McAllister, J. R.
Payman, F.
Polley, H.
Sheldon, A. V.
Stewart, J. N. A.
Walsh, J. C.
White, L.

Brown, C. L.
Cox, D.
Gallagher, K. R.
Hanson-Young, S. C.
McKim, N. J.
Pocock, B.
Pratt, L. C.
Shoebridge, D.
Thorpe, L. A.
Waters, L. J.
Wong, P.

Question negatived.

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (15:39): President, on a point of order, I would just ask you to reconsider the ruling you made before in relation to Senator Pratt's ability to vote against the motion that she herself moved. I have had time since to find the 1991 precedent that was referred to in *Odgers'*, which states:

A senator is not obliged, however, to vote for a motion which the senator has moved, the rationale being that even the mover may be persuaded against a motion by the debate; or the motion may have been amended in a way unacceptable to the mover.

President, there was no debate on this motion because the government gagged and guillotined any and all debate on the motion. There were no amendments to the motion. Therefore, the rationale given in *Odgers'* as to the grounds upon which a senator could come to move a motion and then vote against their own motion does not stand. The rationale given in *Odgers'* does not stand for why it is that Senator Pratt, a Labor senator, should have been entitled to move to disallow a Labor government policy but then vote against her own disallowance motion. I suggest, President, that the application of this ruling on this occasion was an incorrect application and that the vote should be recommitted, with Senator Pratt expected to not vote against her own motion.

The PRESIDENT: I am further advised by the Clerk that the rationale does not change Senator Pratt's ability to vote either way on that motion, so the ruling stands as given by me earlier.

STATEMENTS

National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023

Senator RUSTON (South Australia—Manager of Opposition Business in the Senate) (15:41): I seek leave to make a statement of no more than five minutes concerning the disallowance of schedule 2 to the National Health Legislation Amendment (Opioid Dependence Treatment and Maximum Dispensed Quantities) Instrument 2023, just moved.

The PRESIDENT: Leave is granted for five minutes.

Senator RUSTON: What we have just seen is quite extraordinary. We have had the government move a disallowance motion on their own policy. The reality here is that we've just seen the most breathtaking doubling down on their own arrogance. We have a situation here where we've got a really, really good policy that is before the Australian people and before this parliament, and that is to allow Australians to get access to cheaper medicines through dispensing over a 60-day period instead of a 30-day period. The opposition have been very clear since the get-go that we support cheaper medicines for Australians and we support 60-day dispensing. What we don't support is the implementation of a really good policy in a really bad way that has the potential to negatively impact on Australians, most particularly vulnerable Australians.

I would remind Mr Albanese of his own words when he said, 'If I make a mistake, I will own it and I will fix it.' Mr Albanese, you and your government and your health minister have made a mistake about how you've gone about

implementing this policy. Why don't you own it and you accept the offer of the opposition to have the chance to fix it over the next 3½ weeks? But, no, instead you pull a political stunt which shows your true colours. You don't care about Australians getting access to cheaper medicine. You just care about the stunts. If you cared about Australians getting access to cheaper medicines, you would ensure and you would guarantee that this measure would not cause one pharmacy to close, and you would guarantee that this measure would not make one Australian worse off. Sadly, we believe that many Australians will be made worse off by this policy, and those Australians are likely to be vulnerable Australians with chronic diseases who require lots of medication. They're likely to be older Australians, particularly those that live in aged-care facilities, and they're likely to be people who live in rural and remote communities, where often the pharmacist is the only healthcare professional in town.

In the attempt to rush through this policy so that they can have the big headline about affordable medicines, this government failed to do their homework on the detail. You failed to consult, you failed to model. Let me tell those listening: the government currently has a review being undertaken by McKinsey into the flow-on impacts of this particular policy. They have not received the report from McKinsey, and yet they still want to put the policy in place. They, by their own admission in the impact statement, said that this policy is likely to cost \$158,000 on average per pharmacy off the bottom line, and they seem to think that that is okay.

Well, what we are saying in our offer today—and our offer still stands—is that you can take these next 3½ weeks while the Senate is not sitting to get back to the table, negotiate the seven community pharmacy agreements in good faith and make sure that we get the best of both worlds. Cheaper medicines with 60-day dispensing and good policy do not have to be mutually exclusive. You can actually put in place 60-day dispensing as well as ensure that pharmacies don't go broke, Australians aren't worse off and services aren't cut. And Mr Butler can honour his election commitment, which he put in writing to the Australian community pharmacy sector, that said he wanted to work with them to ensure the application of the seven community pharmacy agreements occurred without there being any negative impacts on the viability of the pharmacies or on Australians getting access to pharmacy health care. He put that in writing. It seems that this government is happy to make big announcements and election commitments, but it's not so happy to implement them when they get into government.

What we're saying to the government today is that it's not too late. It is still not too late. This instrument is still alive. Pull the instrument temporarily—just put a pause on it—get back to the table to speak to the stakeholders and make sure this policy works for everyone. It must work for patients, work for pharmacists, work for suppliers, work for wholesalers and work for the government and the taxpayers of Australia. You still have the opportunity to do this, but what we have just seen is so embarrassing. You've got the government actually moving a motion to disallow its own policy. You've got a government that is more than happy to do that with no regard whatsoever for Australians, so we call on the government to stand in this place and guarantee us that your policy, as it is currently proposed to be implemented, will not cause one pharmacy to close and will not cause one Australian to be worse off. If you can stand there and say that hand on heart and prove through your modelling that that will occur then everyone will congratulate you. But you can't. We're giving you the chance to do that, so I would suggest that you take up our offer.

COMMITTEES

Education and Employment Legislation Committee

Meeting

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (15:48): I seek leave to move a motion relating to the inquiry into the Higher Education Support Amendment (Response to the Universities Accord Interim Report) Bill 2023.

The PRESIDENT: Is leave granted? Leave is not granted.

Senator BIRMINGHAM: Pursuant to contingent notice standing in my name, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the committee inquiry into the Higher Education Support Amendment (Response to the Universities Accord Interim Report) Bill 2023 and that the question be put.

The PRESIDENT: I am informed you can't move the motion, but you can debate it for five minutes.

Senator BIRMINGHAM: Thank you, President. I will simply inform the Senate that this motion, which will hopefully be circulated shortly, is a motion to provide for the Education and Employment Legislation Committee to undertake at least two public hearings in its inquiry into the provisions of the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023. I believe the Senate determined earlier today to conduct this inquiry. The committee subsequently has met, and government senators have blocked any ability for hearings to be undertaken. This could be resolved relatively quickly and simply if the

government is willing to simply concur with the motion, directing the committee to hold at least two public hearings. I think the Senate has indicated the way it is likely to vote on this, given it did direct the hearing be undertaken.

I'm happy to speak for a minute or two while the government considers its position in relation to this, but, again, to be clear as to what is occurring on this matter: earlier today the Senate made clear that it wished for an inquiry to take place in relation to government legislation, namely the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023. In making that will clear, obviously the expectations of the opposition and I believe all of the crossbenchers who supported the opposition at that time were that a normal inquiry would occur. Submissions would be sought; submissions would be received. There would be a willingness to conduct hearings in relation to it, and the ordinary course of events would happen, just as transparency provisions, usual practice of the Senate, would ordinarily allow for such transparency to happen.

As it turned out, the committee subsequently met and I understand government senators used their numbers in that legislation committee to block the request, the perfectly reasonable request, for some hearings to be agreed to as part of that inquiry. And so we find ourselves here, on Thursday afternoon of the sitting fortnight, having to bring the motion to the Senate simply to enable the committee to function in its own ordinary, usual way.

We can truncate all of this fairly quickly if the government can give an agreement that it will happily pass this motion, allow for two public hearings and therefore the committee just undertakes its business in the normal course of events. Otherwise, we'll have to proceed through with the full suspension of standing orders and, in proceeding with the suspension of standing orders, then move through to ultimately pass the motion. We can never predict the will of the Senate, but I do point out to the government that on this particular issue the Senate has already made clear its will today that an inquiry be undertaken. My colleagues Senator Henderson, as the shadow education minister, and Senator O'Sullivan, who does such outstanding work on the employment and education committee, have engaged. They seek to simply ensure proper transparency, proper accountability of the government and a willingness to actually pursue these issues.

President, I don't wish to go over the substance of the bill that is before the committee. It's a substantial bill. It has a number of significant issues for the parliament to consider before the passage of that bill. It's why the Senate agreed that an inquiry into the bill should be undertaken. And if we're to have an inquiry it ought to be a proper inquiry. And frankly it's quite outrageous that those opposite, who just guillotined consideration of a significant budget policy, and they did so in the most extraordinary of circumstances, using the most extraordinary of precedents to have one of their own Labor senators move a motion to disallow one of their own government policies but then to have her not vote for the motion she moved herself—it was certainly one of the more preposterous and extraordinary things I've seen in this chamber.

But here, President, we very much have the normal, ordinary workings of the Senate. And for a government that was elected making so many calls and promises about the transparency it would bring, the accountability it would bring, the respect to the parliament it would bring, its actions in relation to this inquiry to date show no accountability, no transparency and no respect for the Senate. There's a last-gasp chance that it could simply agree to this motion without the need for further debate and enable the committee to do its normal work and due diligence.

Senator HENDERSON (Victoria) (15:54): I support this motion and I'm very hopeful that the government and the Greens will not attempt to shut down public hearings on this critically important bill. The Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 is a very important bill which deserves public hearings. One of the key issues is the proposal by the government to put in place a student support policy that will hold universities to account to ensure that students complete their degrees. At the moment, only 41 per cent of undergraduate students who attempt a four-year degree complete it within that time, and if you are an Indigenous student the figure is only 26 per cent. So there are some very pressing issues, and Australian students, the university sector and other key stakeholders deserve the right to be heard.

One of the very important issues that we want to canvass at this public hearing is the horrific situation with sexual assault and sexual harassment on university campuses. I will say again for the record that in 2021 a national student safety survey found that one in 20 students had been sexually assaulted in the past 12 months. It is deeply concerning that, while the government has foreshadowed the critical need for student support and a policy, it has failed to reference the safety of students with respect to the sort of support that the government should be providing.

The PRESIDENT: Senator Henderson, I've given you a fair bit of leeway. The motion before us is one to suspend, and I remind you that you need to be articulating the reasons for suspension.

Senator HENDERSON: This is absolutely to my point. We do not agree that the voices of students and others affected by deficient university policies with respect to the safety of students should be shut down. This is an attempt to shut down the voices of those who really matter on university campuses. This is an attempt to try to circumvent

the normal Senate processes. So I say to the Senate today, to the government and to the Greens: we ask for your support so that we can put in place at least two public hearings for this very important bill inquiry.

Senator SHELDON (New South Wales) (15:57): Regarding this matter, we did have a meeting of the committee and we did consider the matters that are before us. In that discussion we said that we would take submissions and that we would revisit whether there was a necessity for hearings. I do recognise the fact that the opposition said that they wanted to have hearings. It had been the decision of the committee to delay that, but I'm prepared to reconsider that. As those in this chamber are aware, there are many, many matters that come before the committee that I'm on. I regularly hold hearings. Some people are rather disturbed at the number of hearings that we have on some of the matters we have, but I have a very strong view about making sure, when legislation comes through, that, where we can, we do have hearings, and I'm happy to suggest and recommend, if I'm using the correct wording, that we have a couple of hearings regarding this matter on the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023.

The PRESIDENT: Are you seeking a point of clarification, Senator Henderson?

Senator Henderson: I am seeking a point of clarification.

The PRESIDENT: Please go ahead.

Senator Henderson: I understand that this is a motion for the suspension of standing orders.

The PRESIDENT: That's correct.

Senator Henderson: Can I clarify for the benefit of the Senate that the committee, of which Senator Sheldon is chair, will agree to hold at least two public hearings as part of this bill inquiry?

The PRESIDENT: That's what I heard, but, for clarity, I will ask Senator Sheldon to confirm that.

Senator SHELDON: We will certainly have two hearings. It is a pity, because there was a process put in place, of which many senators in here will be fully aware and which I've made available on previous occasions, for hearings to be held. But, yes, there will be two hearings. As the normal practice would be, I will always cooperate with senators on both sides of the chamber and on the crossbenches to have hearings on matters where I can.

Senator Henderson interjecting—

The PRESIDENT: Senator Henderson, we're not in committee stage. This is very extraordinary. Be super quick.

Senator Henderson: President, I'm just thanking Senator Sheldon. We look forward to those two public hearings at least.

The PRESIDENT: Senator Faruqi, are you seeking the call?

Senator FARUQI (New South Wales) (16:00): I am, just to say a few words about the previous motion.

The PRESIDENT: The motion is still on foot.

Senator FARUQI: Yes, the current motion. We had a meeting today and, as Senator Sheldon has said, we did come out with a process, but if the other side are really keen on hearings then we will not stand in the way of that. We look forward to those hearings.

Senator BIRMINGHAM (South Australia—Leader of the Opposition in the Senate) (16:00): I thank Senator Sheldon for attending the chamber and for providing that advice to the chamber and that commitment, importantly, to Senator Henderson and other senators participating in the inquiry. On the basis of the commitment given by Senator Sheldon, I seek leave to withdraw the motion.

Leave granted.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers to Questions

Senator HUGHES (New South Wales) (16:01): I move:

That the Senate take note of the answers given by ministers to all questions without notice asked today.

I know we're all very excited about the Matildas at the moment, and everyone has a newfound enthusiasm for women's football. But there have been a number of own goals from those opposite, and I'm not quite sure that's how the game should be played. In today's question time, getting information and answers proved impossible, as usual.

What we did see, and what we've seen over the past couple of weeks, is who is the weakest link when it comes to answering questions. Do you remember that game show that used to be on Channel 9, *The Weakest Link*? I think we know that that would be Senator Gallagher. When Senator Kitching made reference to *Mean Girls*, she didn't tell us who was who, but I think we now see that Senator Gallagher must be the Karen. Those of us that have watched the movie know what her special talent was. She could not answer a question today about political

advertising—advertising that is unauthorised—aside from the fact that taxpayer funds are being used to publish an ad promoting the Voice but not promoting unauthorised argument. She was asked if she thought that it was appropriate for taxpayers' money to be spent on that and had zero answer, because she hadn't seen the ad. She hadn't seen the eight-page spread that was being put out. She couldn't answer. Wasn't Senator Gallagher once the Special Minister of State, or didn't she have some authority overlooking elections? Was she part of a process around this? Yet she didn't have the first clue as to whether unauthorised advertising using taxpayer funds was allowed. Well, I can tell you—bam-bow: it's not, Senator Gallagher. You might want to get yourself up to speed on the rules when it comes to the Voice and spending taxpayers' money.

We know that Australian taxpayers fund \$40 billion in direct supports to Indigenous Australians, but the whole point of that money is that it's given to Indigenous Australians who need it, not just those who are related to, friends with or somehow in bed with those that run the land councils. We had a discussion last night, as this bastion of transparency and integrity—which, of course, we know this government is not. We qualified last night that that was just a slogan they put out, along with the \$275 that was coming off our power bills. We learnt last night that both the Greens and those opposite oppose an inquiry put up by three Indigenous women to have a look into the inappropriate use of funds by Aboriginal land councils. The thing is they keep telling us we need a voice because we need to listen to communities. Communities are asking for these things, but they're the wrong kinds of communities for those opposite; they're the wrong kinds of voices for those that sit up that end of the chamber. So we get the beautiful whitesplaining like we got from Senator Pratt yesterday during this debate. It was fantastic. I notice Senator Thorpe called her out for that as well. It's just extraordinary.

The Central Land Council gives out \$80.2 million. It was supposed to be given to Indigenous communities that are actually part of that land council. The Auditor-General's report said that the situation around governance there was not up to speed when it came to looking at conflicts of interest or fraud—conflicts of interest or fraud. The biggest conflict of interest that was even alluded to by Senator Pratt last night was the fact that these funds were given out on a whim: who was closest, who were the people they knew and who they liked. It was disgraceful. And these are taxpayer funds. Yet those opposite continue their absolute tirade. The behaviour—the stunt that has been pulled today. Again, Senator Pratt, you're the star this week! I don't know what you've done to deserve it, but here you are, putting up motions against your own government's policy!

The DEPUTY PRESIDENT: Senator Polley?

Senator Polley: I think I've been very mindful and I haven't jumped straightaway, but it would be appreciated if you could just remind the senator that her comments should be through the chair.

The DEPUTY PRESIDENT: Senator Hughes, please address your comments to the Deputy President.

Senator HUGHES: Mr Deputy President, I will direct my comments through you—my absolute pleasure—because you, for one, actually do understand the way standing orders and the way upper houses operate, and the way parliament should operate. And I'm sure you, like many of us, are absolutely dumbfounded that anyone would put up a motion against their own government's policy and then not vote with it. Honestly. I really look forward to explaining this to my kids when I see them tomorrow—because this is the madhouse that is occurring under this government.

Again we saw today that Senator Gallagher couldn't answer a basic question when it comes to unauthorised advertising, because she doesn't understand the rules or how to write a motion.

The DEPUTY PRESIDENT: Thank you, Senator Hughes. Senator Polley.

Senator POLLEY (Tasmania) (16:07): I don't know what contribution that was meant to be. I understood you took note of all questions, but I've never heard such rambling nonsense in this chamber—well, not since you spoke last time, really. But I do want to address—

The DEPUTY PRESIDENT: That's a little unfair, Senator Polley.

Senator POLLEY: I will withdraw that.

The DEPUTY PRESIDENT: Thank you.

Senator POLLEY: I was a bit excited there.

The DEPUTY PRESIDENT: It's been a long day. Let's all be moderate in our tone.

Senator POLLEY: I do want to talk about the issue that I think the senator was trying to raise—trying to justify why those on that side are not supporting the 'yes' campaign to give our First Nations people a voice to parliament and to give them recognition. Talking about a spread that was in a newspaper or a magazine that may or may not have been authorised that the minister had not seen, and I, for one, have not seen—I think it's a long bow to then try and castigate the minister for not being able to respond, when, really, the essence of this is that those opposite want to continue to treat First Nations people the same way that we've been doing decade after decade, and by all sides

of the chamber when in government. We on this side know and, most importantly, First Nations people themselves know that that hasn't worked, and they want to have a say in their future.

I, for one, cannot understand why First Nations people have never previously been acknowledged in our Constitution. I don't know what those on that side have to fear about recognition in our Constitution. I don't know why they won't support the referendum 'yes' vote to have that recognition in our Constitution and to establish a voice to parliament. But I guess it goes back to their leader, who walked out when the Labor government was actually acknowledging and apologising to First Nations people. As we on this side all know, the Liberals and Nationals are so far behind—they're not what you would call a progressive political party or force in this country.

But, quite clearly, we want to address the issues around life expectancy for First Nations people and give them the opportunity to have that voice about how we can best support them in having better educational outcomes, because what an education does is to open up doors for a more prosperous future for the individual and their community. If you look at it from a humanitarian point of view, on the health outcomes, we as a nation should be ashamed that First Nations people have the worst outcomes on health—apart from some. Unfortunately, Tasmania, where I come from, has worse outcomes than First Nations people do. When it comes to incarcerations, we know a higher proportion of First Nations people than of any other cohort of Australians are in our jails.

I think the Australian people will ultimately decide that they want to see change and that they want to see better outcomes. Internationally, we've seen other countries make this move to actually allow their first nations people, as we are doing for ours, to have a real voice to their parliament and to future parliaments. I don't know what those opposite are scared about. You have Mr Dutton and those opposite saying that they would support legislation of a Voice to Parliament. We know why they would support that and why they would like us to go down that path: because they know that then, with a stroke of a pen, they can change that but that, when it's in a referendum and it's acknowledged in our Constitution, they can't.

I have to say that, for a Thursday afternoon, after two weeks of sittings, the target of their questions was quite bizarre. We went from airlines to radioactive material. With the way the former government treated airline staff and baggage handlers during the pandemic, I am amazed that they would even want to talk about the aviation industry in this country.

Senator Hughes: Kind of important to AUKUS, ruining our relationship with Israel, pandering to terrorists—good program!

The DEPUTY PRESIDENT: Order, Senator Hughes! Senator Ayres on a point of order?

Senator Ayres: I've never seen you so exasperated to hear from me, Deputy President!

The DEPUTY PRESIDENT: No, I know. It was just—

Senator Ayres: I think you might have anticipated my point of order, and if Senator Hughes—

The DEPUTY PRESIDENT: The interjection has been moderated. Thank you for your attention, Minister.

Senator COLBECK (Tasmania) (16:12): What question time did demonstrate today is that the Labor Party aren't the government that, before the election, they promised they would be. It's the same old Labor. It's the same old Labor that can't make decisions. It's the same old Labor that makes decisions for its mates. It's the same old Labor that doesn't consult, despite all the promises that it made prior to the election. Remember they promised that they would be an open and transparent government. We haven't seen much of that. In fact, as has been indicated by colleagues here already this afternoon, they spent half the day gagging debate on a motion of ours that they then moved and voted against. They promised to be a government of lower power prices. I think we all remember the 97 times that the Labor Party promised us that there would be a \$275 reduction in power prices, and, of course, the number 275 cannot cross their lips anymore. The promise has been abandoned. It has been broken. They promised us lower cost of living, and yet inflation continues to run at six per cent.

They promised us a consultative government, and I think, as we've seen here this afternoon, that, if you ask the pharmacists about that, they might not agree. We gave the government the opportunity to spend some time consulting with pharmacists this afternoon, and they knocked it back. Rather than debate it, they gagged it. So, as to their being consultative, open and transparent, none of that is being seen. Clearly, they are not the government that, before the election, they promised they would be.

They promised us lower housing prices and lower housing costs, and yet there have been 11 interest rates in a row under this government. And, of course, when they can't make the argument—and we've just seen a demonstration of that—they get personal, they get nasty. They promised a fairer, kinder government and parliament, and they haven't delivered on that promise either. We see it every question time: if they can't answer the question, they'll try and deflect the question to something else, they'll blame somebody else or they'll get personal. That's the

tactic of this government, and it's not what they promised they'd be before the election. In fact, we've seen hardly anything of what, before the election, they said they would be.

Senator Liddle and Senator Nampijinpa Price came in here yesterday with a motion to conduct an inquiry, off the back of bad reports, concerning reports, from ORIC and from the office of the Auditor-General. Of course, the government are not prepared to do that either. Then we have to bring into this chamber—and it's part of the general conversation this afternoon—a motion to actually even have public hearings in a Senate inquiry. How is that the trait of an open and transparent government? The Senate moves to take on a Senate inquiry into a piece of legislation, and the government doesn't even want to have public hearings and uses its numbers, in the committee, to shut it down. Really, how does that meet any of the commitments that the Labor Party made before the election about the way that they would operate? Open, transparent, ethical? I wonder what Qatar Airways thinks of the fact that they can't get access to additional flights into the country? Who does that benefit? The government were asked about who they had meetings with. They don't want to say. They just want to deflect the question. They want to blame somebody else. As I said before, if they can't get that to work, they'll get personal.

It really is time that this government actually started to do the things that, before the election, it promised it would do. I don't think it will, because it's just the same old Labor, with the same old characteristics, the same old traits. They can't keep their promises and can't commit to the Australian people.

Senator PRATT (Western Australia—Deputy Government Whip in the Senate) (16:17): As was evident in answers from the government in question time today, Labor has a very clear policy agenda and one that I am very glad we were able to clear a path to in terms of delivering 60-day dispensing.

Senator Hughes: You literally put the motion up to disallow it.

Senator PRATT: Well, it is peculiar. I was paired while these things happened in the chamber earlier today, so I was very pleased to have a chance to participate in bringing the disallowance to a vote. But it was recommended that the Pharmaceutical Benefits Advisory Committee introduce 60-day dispensing. We have seen the coalition delay it over and over again. Media reports earlier today had reported that rural doctors were relieved that the coalition was going to withdraw its 60-day dispensing disallowance motion. It's all very well for those opposite to point the finger at me for seeking to reflect on the need for the federal government to be able to get on with delivering this policy outcome and to stop the other side from equivocating, but I had seen reports that those on the other side were going to withdraw or no longer wanted to support the disallowance. But, here in the Senate this afternoon, we have cleared a path towards implementing our very clear policy intent, which is most definitely in the interests of patients right around the nation.

The move to 60-day dispensing, from 30 days to 60 days, means that patients get more medication for less money, with fewer visits to the pharmacy. These are not small changes in the context of people with busy lives, managing, sometimes, two or three different medications. I myself have three or four regular medications that I take, so it's not uncommon for me to need to go to the pharmacy on a weekly basis because they run out at different times. For me, 60-day dispensing will be a great convenience and a money saver because I will be able to access those medications in, frankly, a more timely, not less timely, way because I will not run out of medication as often.

As the rural GPs said: why should our elderly rural patients have to travel for hours to collect their medication from the chemist every month when there's no good reason this can't be every two months? Why should this unnecessary burden on patients and GPs continue when the pharmaceutical benefits authority has made it very clear that the move is safe and benefits the community? We have put in place measures to ensure the sustainability of remote and regional pharmacies. We've seen an announcement that the regional pharmacy maintenance allowance, for very remote pharmacies that have limited dispensing activity, will increase to just over \$100,000 annually per pharmacy. This is incredibly important because we believe that our regional and remote pharmacies must be sustainable and must be integrated with other local remote and regional health services. To add to that sustainability, we've seen fee-for-service options for pharmacists to include all vaccinations. We've seen this in addition to items they already have. *(Time expired)*

Senator ANTIC (South Australia) (16:22): I rise to take note of answers given by the government today in relation to the National Radioactive Waste Management Facility. It's extraordinary to be standing here today when the Labor government has in fact laid waste to the news that the National Radioactive Waste Management Facility would be kept. The government has declined to appeal the decision and has effectively, in the process, junked a careful, considered and extensive 10-year process to establish this nuclear waste facility in the northern aspect of South Australia, my home state, near the town of Kimba, which was due to be the beneficiary of a very generous \$30 million, or so, incentive package in order to host that site. In so doing, the Labor government has not only torpedoed that extra funding for the local area and therefore put businesses in the area in jeopardy; it's also now put into doubt the nation's nuclear submarine program, and put that in jeopardy.

It needs to be remembered that, in addition to those two matters, this government has given itself an incredible headache going forward in terms of what is to be done with the 13,000 cubic metres of low-level radioactive waste and, I believe, 4,300 cubic metres of intermediate-level nuclear waste. We need to understand here that this is not, as those against this proposal like to portray it, like you would see in *The Simpsons*, with radioactive drums of green ooze. This is very low-level—very intermediate-level—nuclear waste, which has really come as a result of the use of nuclear medicine—people who have the terrific benefit of that sort of care and treatment rely on this. But there is now no real future plan for this. We saw that it took 10 years for the previous coalition government to get to this point, through careful and considered consultation with the community.

But this is what happens when you have a government that is more interested in local, factional partisan politics than it is in focusing on the national interest. This is all, of course, on the eve of Labor's National Conference next week, and it's all about appeasing the party's radical left—people like Senator Ayres here, who would, presumably, be against this. Why would you want to see it go ahead? All it would do is provide a benefit for the locals. It's not in the interest of South Australia, I'm sure.

Of course, it does leave the people of Kimba high and dry. We know from the work that was done by the coalition government that the consultation was quite extraordinary and the Kimba community supported this through a number of mechanisms. They were asked this on a number of occasions, but the broad community support was demonstrated through a range of indicators, including 61.6 per cent of people in the Kimba local council government area supporting the facility, according to the now dismissed Kimba ballot, which was independently facilitated by the Australian Electoral Commission. And 59.3 per cent from surveyed local businesses in Kimba supported the prospect of this nuclear waste facility going ahead, as well as a similar amount—a slightly larger amount, with 59.8 per cent—from local submissions. One hundred per cent of the neighbours who shared a boundary with the nominated site at Napandee actually supported the facility. Why did they do that? It's because they are better and more broadminded than those opposite. They understood that not only would it be good for the local community; they understood that a purpose built facility was essential to supporting our nuclear medicine industry, with more than 90 per cent of the waste produced in Australia being linked to nuclear medicine. That waste at the moment is stored at Lucas Heights and about 100 other locations all around the country—at hospitals and other facilities. Every Australian, sadly, is going to draw on nuclear medicine in their lifetime, so there does remain a critical need for this project and for a national radioactive waste management facility.

The reality for this government, though, having not progressed this or taken up the good work of the previous coalition government, is that they now have a giant political headache. What they seek to do with this facility as we move forward—ARPANSA require it—we will see.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:27): Public trust in our democracy is at an all-time low, and the community feels less and less confident that people elected to represent them are actually representing them, rather than representing vested interests and big political donors. They feel that our democracy is for sale, and I think they are right. The big four consultancy firms donated more than \$4.3 million to both sides of politics over the last 10 years, and over that same period, in return, they secured about \$8 billion in government contracts. That's for work that my party thinks should have been done by an independent, well-resourced Public Service, but you can't deny that's a pretty good return on investment for those firms.

Polling released this week found there's an overwhelming majority of people—74 per cent—who think you shouldn't be able to donate to a political party if you are someone that gets funding from government contracts. That is, if you're a government contractor, you shouldn't be able to pay the people who are then paying you for your work. They think it sounds like corruption or, at the very least, bribery. I might add that, of those 74 per cent of people, 70 per cent were Labor voters and 80 per cent were coalition voters. So this is something that people who vote for all the parties in this building actually think needs to be addressed.

So I put that to the Minister representing the Prime Minister today in question time, and it was very interesting. Often, when the Greens ask the government of the day—no matter who's in charge—about donations and the influence that they buy, we get some pretty angry responses. But we didn't get an angry response today. We had a response that actually showed that perhaps the government is thinking about these sorts of reforms. Maybe I am an optimist—well, I certainly am an optimist; perhaps I'm being too optimistic in this regard, but I really welcome the potential for the government to genuinely consider reforming the rule that says you can make a donation and then on the very next day you can get a government contract. There's a real perception of corruption there. The minister in fact acknowledged that that perception exists. You could argue there's a reality as well as a perception, but I'm grateful the minister does at least recognise it's a really bad look. I'm hopeful that we might see some changes to our laws.

I next asked about companies that make political donations and then receive grants of public money—not contracts as such but just handouts, just grants. I cited the fact that the gas fracker Tamboran Resources, who are

the ones who want to open up the Beetaloo basin to frack it beyond recognition and to release an absolute carbon bomb into the atmosphere, donated \$200,000 to both of the big parties in the financial year 2021-22. I mentioned that in that very same financial year they sought and received 7½ million dollars in taxpayer money—a grant of taxpayer money—to frack the Beetaloo basin. We, of course, sought to disallow that grant, and the two big parties disagreed. They were very happy for that massive gas fracker to get public money to frack the Beetaloo basin. For me, that really highlights the fact that the government needs to change the rules to make sure that if you are seeking a government grant you are not allowed to donate to any political party, either in the lead-up or after you've received that grant.

On government contractors and government grants, it's clear we need to clean up the system, but it's also environmental approvals. I mentioned this in my question to the minister, and I noted that Adani—who have come under scandal after scandal and who have finally got approval for their megamine in my home state of Queensland—and their subsidiaries donated almost a quarter of a million dollars to the coalition in the same financial year they got their final environmental approval. In fact, they did it in instalments. They even made \$100,000 of that \$248,000 donation in the month after they got their federal environmental approval, which looks really fishy.

I'll be introducing a private member's bill to ban political donations from people who are seeking or receiving government contracts, government grants or environmental approvals from government. It is time we cleaned up the stench of corruption over our democracy and made it work for people again, not for political donors.

Question agreed to.

COMMITTEES

Education and Employment References Committee

Report

Senator O'SULLIVAN (Western Australia—Deputy Opposition Whip in the Senate) (16:33): I present the report of the Education and Employment References Committee on school refusal, together with accompanying documents, and I move:

That the Senate take note of the report.

Firstly, I want to thank my fellow committee members and the deputy chair, Senator Sheldon. I'd also like to acknowledge the time and effort invested into this inquiry by Senator Allman-Payne, who raised this issue with the committee as a former schoolteacher herself. I want to extend my heartfelt thanks, as well, to all those who made submissions and appeared in front of the committee at hearings, especially those parents, families and students who came and shared with us their very personal stories and experiences of school refusal. I thank you very much indeed. I know for many of you it was difficult, and you have been very brave in bringing forward your stories.

We heard some challenging and confronting stories from families during this time. I want to say to them: we hear you. We hear you, we hear that you're struggling, and we want to make sure that you get the right support, that you get the support that you need, to give your children the very best education possible and to give them a bright and shining future to look forward to. Our children are the future of our great nation, and it's up to us to help them reach their boundless potential. To do that, we need to chart a feasible course of action. This constructive and collaborative report that I've tabled here today on behalf of the committee steps out recommendations that we're all working towards to ensure that families, students, teachers and schools, or anyone affected by school refusal, will have access to the support they need.

Though those experiencing school refusal may face challenges, and some of those challenges are extremely severe, we know that we have a great education system here in Australia. It can be improved—there's no doubt about that—but we just have to make sure that all Australian children can access it in a way that works for them. School attendance is absolutely key. In 2013, the University of Western Australia and the Telethon Kids Institute, which back then was called the Telethon Institute for Child Health Research, released their report titled *Student Attendance and Educational Outcomes: Every Day Counts*. One of the key findings of that report was that the average academic achievement, as indicated by NAPLAN results, declines as absence rates increases. That report stated:

The nature of the relationship between absence from school and achievement ... strongly suggests that every day of attendance in school contributes towards a child's learning, and that academic outcomes are enhanced by maximising attendance in school.

The report says that there is no 'safe' threshold for absences. It went on to say:

The effects of absence also accumulate over time. ... absence from school was related to academic achievement in numeracy, reading and writing not only in the current year, but in future years as well. Parents need to be aware of these relationships, and understand that when their child misses school it can have an ongoing impact on their learning.

Australian parents are acutely aware of this. What they need is for adequate support to be put in place that will help their children to get the education that they need so they are able to unlock their potential.

The 2019 report *Spotlight: Attendance Matters*, published by the Australian Institute of Teaching and School Leadership noted: 'Irrespective of the reasons for absences, non-attendance affects student outcomes.' The AITSL report reiterated many of the findings from the 2013 UWA and Telethon report, quoting its finding that there are no safe thresholds for absences. It said: 'The impacts of absenteeism are cumulative'. It also said non-attendance 'can affect academic achievement in future years of schooling'.

I was pleased to learn recently that the education ministers have commissioned AERO, the Australian Education Research Organisation, to investigate the causes of declining attendance and provide advice on evidence based approaches to support attendance. AERO also provided a submission to the inquiry—and I thank them for that—stating that research in Australia is constrained by the current national standards and administrative systems for attendance reporting. I commend the Minister for Education for taking this important step and I encourage him to continue to pursue this.

Over the course of the inquiry, we heard some very harrowing accounts from some Australian families of their own personal experiences with school refusal. It was concerning to hear evidence from families and parents who were struggling with children experiencing school refusal. Many of them shared with us the great shame that they felt at the fact that they're struggling with this issue. Some students who are struggling with school attendance just, frankly, need a bit of a kick in the pants. They need to be told to keep off PlayStation at night and get to school. Of course there are those students who need that, but we heard from many parents that there are students who feel that they're put in the same category as those students who just need a bit of a nudge. I have teenage kids myself and I have seen the struggle of getting them to school over the years. That's, frankly, all they really needed. But we heard from parents who struggle to have their kids go to school, and they need every bit of support they can get, with the right tools and right support to be able to do that.

One of the problems we heard about was the extensive waiting times in every state for paediatricians and other allied health practitioners. In my home state of Western Australia, parents are waiting at least two years to see a paediatrician. Without that diagnosis, the school is not able to get the support and families are not able to get the support that they need. It is left to the schools, on their own, with their own budgets to provide the support to these students and it is simply not enough. It's not good enough.

My friend and colleague in the WA state parliament, the Hon. Donna Faragher MLC facilitated a successful petition supporting an inquiry into the adequacy of school development services and related programs delivered in Western Australia. More than 3,700 Western Australians signed that petition. These are families, carers, parents who are concerned about the lengthy waitlist for families needing to access paediatricians, clinical psychologists, speech pathologists and other allied health specialists. You name it, there's a long list in WA. It's simply not good enough.

We want to see parents and families supported by the health and education systems. It's only when a child receives a timely diagnosis that they can access the help they need. It is through accurate and effective data collection that we can ensure that no child is slipping through the cracks. There is a lot more work that needs to be done. We have just started in this space so families and children are not left floundering on their own. I'm sure there is unanimity on this issue in this place that we understand that the importance of receiving a quality education cannot be understated.

This inquiry was undertaken by the committee in a fantastic spirit of bipartisanship. Again, I thank my colleagues for all the work and time they have put in. I know I speak on behalf of my fellow committee members when I say that we all want every child to receive a world-class education. We have an excellent schooling system. There is room for improvement, and we can do better. There are many reasons why students might not be able to attend school or might find the mainstream school environment challenging and the inquiry process highlighted several reasons, many of them complex and multifaceted. To that end, there should be alternative methods of schooling available to these students. These alternative methods of schooling are out there, some of them are doing a fantastic job, and the committee report was able to highlight the fantastic job they do in helping students to re-engage with their schooling.

Through the COVID pandemic, we have seen that virtual schooling can be an avenue for some students who may not be able to engage with mainstream schooling. Of course, we are talking about students who have maybe neuro-diverse disorders, students with autism and others. Sometimes the mainstream system doesn't work and fitting them all into a single model doesn't always work. It works for many but not all, and we have to make sure that no child is left behind.

I want to reiterate the importance of having all Australian children attend school. It is simply not an option for children not to be attending school or receiving a world-class education. It's imperative for everyone. Our children are the future of our great nation. We do them a great disservice if we fail to support them in their education, so I commend this report to the Senate and indeed to the government.

The DEPUTY PRESIDENT: Do you wish to seek leave to continue your remarks?

Senator O'SULLIVAN: I seek leave to continue any my remarks.

Leave granted; debate adjourned.

Finance and Public Administration References Committee

Additional Information

Senator COLBECK (Tasmania) (16:43): I present additional information received by the Finance and Public Administration References Committee on its inquiry into the administration of the referendum into an Aboriginal and Torres Strait Islander Voice. I move:

That the Senate take note of the additional information.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Rural and Regional Affairs and Transport References Committee

Report

Senator CADELL (New South Wales—Nationals Whip in the Senate) (16:43): At the request of Senator Canavan, I present the report of the Rural and Regional Affairs and Transport References Committee on the Iron Boomerang Project together with the accompanying documents. I move:

That the Senate take note of the additional information.

I seek leave to continue my remarks later.

Leave granted.

Senator ROBERTS (Queensland) (16:44): As a servant to the many varied people who make up our one Queensland community, I speak to the Rural, Regional Affairs and Transport References Committee inquiry's report into the project known as Iron Boomerang. One Nation's Senate motion initiated this inquiry because of this project's undeniable benefit to all of Australia. I thank the committee and the secretariat for their work, and I thank the witnesses for attending. This is a complicated project, and the committee and the secretariat have done a great job of processing the information presented across different hearings. Project lead Shane Condon has made this his life's work, and Australia must be forever in his debt for the vision, application and sheer determination that he has shown. One Nation is fully supportive of the report's recommendations.

As this project moves forward to a new era, I must remark that Project Iron Boomerang is probably a misnomer. It does consist of a 3,300-kilometre transcontinental railroad with heavy-duty axle capacity connecting existing rail networks in the iron ore region of the Pilbara to the existing coal rail networks in Central Queensland. Iron ore will be transported from Western Australia to Queensland, and those carriages will then be loaded with coal to transport back to the west, hence the boomerang in the name.

Steel mills at either end combine these minerals into steel—the world's highest-quality steel at the world's lowest price. Steel is a huge industry that helped build the wealth of this nation, and will do so again. It is also building the wealth of many nations right now. Steel is then exported as container traffic backload through ports in northern Queensland and Western Australia, offering faster and cheaper market access for our steel as against our competitors.

The fundamental benefit of this system is to reduce freight to the smallest possible footprint, economic as well as carbon dioxide for those who think that's important. Less coal will be exported across the world in bulk oil carriers that burn 200 tonnes of heavy diesel oil a day, carriers that then return empty while burning another 100 tonnes of oil a day on the way with huge reductions in carbon dioxide for those who believe that we need to cut human production of carbon dioxide. Less iron ore and dirt will be exported from Western Australia across the world, saving the heavy diesel consumption and again reducing carbon dioxide production and the cost. Instead, ore is transported a shorter distance in a gas electric train offering a huge competitive advantage for Australian steel and a huge benefit for the environment—the real environment, as well as that carbon dioxide sky-gas nonsense.

The committee rightly identified the railroad and the steel development are separate issues. It's possible, as Senator Canavan has pointed out, that ships can operate the boomerang trip in first phase of the project, and we've had that confirmed since. The southern route is slightly longer than a direct rail link but will cost less at around \$10

a tonne versus \$40 a tonne for the railroad. Having said that, the railroad will become the cheaper option after the volume of ore and coal being moved exceeds 150 million tonnes a year. This point will be reached with the second stage of steel production, which is to increase the mills from 10 to 20.

The railroad carries many other benefits the committee did not hear in evidence that East West Line Parks may like to correct during their discussions with Infrastructure Australia. Grazing interests have expressed a strong desire to use the line to transport cattle from the remote cattle stations to the east and then to markets overseas. That trip is currently done using road, which puts the animals under pressure and causes a costly reduction in body weight of around 15 per cent. Rail offers a smoother, faster ride and a reduction in body weight of only five per cent. That's a benefit all round.

Aboriginal interests own many remote cattle stations employing Aboriginal workers. This rail will represent a significant benefit to the Aboriginal community right across the Top End. Agricultural interests would use the rail line to take production from the Ord River irrigation area to market in the east, reducing their freight costs by 50 per cent or even more. The line will open stranded asset rare-earth mines that hold mineral reserves we need to make the electric cars, batteries, windmills and solar panels necessary for net zero. Hmm. The line will open the currently inaccessible East Pilbara, an area containing significant mineral wealth, while adding additional life to existing mines across the Pilbara.

Environmentalists oppose mining and oppose expanding the steel industry at the same time as calling for a transition from petrol to electric cars and the covering of our continent in steel transmission towers and steel wind turbines. Environmentalists can, of course, use their favoured building material—compressed rainbow unicorn farts. The rest of us though use steel. Project Iron Boomerang is not unique. The 2,300-kilometre Tarcoola to Darwin railway was completed 10 years ago. It was completed in five years at a cost of just \$3.5 billion across similar terrain. This is not complicated engineering. Railroads like this are being built overseas, and a shorter railroad was recently completed in the Pilbara. We can do this.

A second aspect of the east-west railroad is the multifunction corridor that would normally be built alongside a railway such as this. For a small additional cost in relative terms, this could be upgraded to hold a fibre-optic cable, water and power trunk lines. These, in turn, could provide town water, power and the internet to regional and remote communities, mostly Aboriginal, right across the Top End. Sidings along the route would allow for a local passenger or freight train to improve transport and freight services to these same remote communities.

Tourism is another likely benefit. The Ghan can expand to offer what would be one of the world's 'must do' trips, offering real employment to the Aboriginal community. I hope that Infrastructure Australia pursues inquiry into this aspect of the project. One Nation would love to see homes built with power, water and the internet for remote Aboriginal communities. Iron Boomerang holds that future for these communities. I hope that Infrastructure Australia reviews this most exciting aspect of the project.

The committee has recommended a separate inquiry be held into the steel component of Project Iron Boomerang. The terms of reference are well chosen, with one suggestion. During many meetings, as part of promoting this project, I met with an Australian company that has technology which captures carbon dioxide from the steel mill's steam stack and combines that output with seawater to produce valuable commodities such as ammonia and ethanol. The process is self-funding. These building blocks can be turned into fertiliser, AdBlue, ethanol and many other products that Australia currently imports. These are not just by-products; they're products essential to our national security. I hope the steel inquiry hears evidence on how a commercially proven coal-to-hydrogen process can power an electric arc furnace—'green steel', if you want to use that term. There are, though, many questions around this process that's years from commercial reality, especially in terms of quality; it's brittle at the moment.

World steel demand is expected to remain at two per cent growth over the medium term, with the new developing crescent of India, Bangladesh and Pakistan taking up the slack from maturing Chinese, USA and European markets. Indonesia is constructing a new national capital, with construction extending to 2040. This alone will consume the output from our Project Iron Boomerang phase 1 steel mills. If we're to wind back exports of coal for power in the name of climate change—and I hope we're not; One Nation strongly opposes this—substituting the use of coal for power with the use of coal for steel would provide continuity of employment for the coal industry, something that should keep unions happy.

Another economic benefit of the steel mills is fly ash, a by-product of steel manufacture when the power source is coal. Fly ash can replace 20 to 30 per cent of the cement in concrete. Project Iron Boomerang will result in the construction of new concrete plants to utilise the steel parks' by-products. As even the Greens would agree, you can't do wind power without concrete, and Australia does not have enough concrete for the job. The world steel market is worth A\$2 trillion a year. Iron Boomerang will increase Australia's GDP by hundreds of billions of dollars, just from the steel, let alone the concrete, fertiliser, ammonia and other by-products.

The committee correctly identified the potential national security benefits of the railway, the steel parks and the port upgrades this project will deliver. The expectation is for a naval maintenance base in North Queensland to service the United States Pacific fleet. The railway offers access to parts of this country where access is currently problematic. I note the Maritime Union of Australia is advancing their rebuilding the Australian shipping and maritime industries proposal to expand the Australian shipping fleet. Project Iron Boomerang steel mills will produce four-metre wide slabs instead of the normal two-metre wide slabs. When used to produce railway rolling stock and ships, this results in half the number of welds and joins, producing a cheaper, stronger and faster product. I hope the union will participate in the steel inquiry and look for ways to breathe new life into Australia's heavy manufacturing industries, currently languishing after decades of planned decay, a decay that has cost breadwinner jobs and economic security.

With the attractive markets, returns and many by-products, it's no surprise private industry and net private investors are waiting ready to fund and construct this project. There is, though, a problem: private investors don't trust our government, and after debacles like Adani who could blame them? At some point the federal government is going to have to put their hands into their pockets to fund the final business case, not because the proponents can't fund it, but because their backers will not let them. For this project to proceed further, the government must demonstrate skin in the game. I look forward to the inquiries that have been recommended in this report, and I look forward to Infrastructure Australia advancing this project. This is a once-in-a-lifetime opportunity for the Albanese government. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Infrastructure Australia

Consideration resumed of the motion:

That the Senate take note of the document.

Senator McKENZIE (Victoria—Leader of the Nationals in the Senate) (16:57): I rise to consider the Infrastructure Australia annual report, listed on page 7 of the *Notice Paper*. This is the last report of Infrastructure Australia on its activities over the period of the former coalition government. The report details how the June 2022 Infrastructure Priority List update featured 168 proposals. Key themes of the 2022 Infrastructure Priority List were: boosting the productivity of our freight supply chains, promoting development in regional and northern Australia, enhancing the resilience and sustainability of community, and optimising the efficiency of our transport network.

These things reflect the priorities of the former coalition government, which supported investment in freight supply chains, including in regional Australia. What did the current minister say when she came to office? She said there were too many projects on the Infrastructure Priority List. Congestion-busting projects in urban Australia were actually labelled 'rorts and waste', and the Roads of Strategic Importance program, which was there to fix regional freight routes, was an example of 'rorts and waste'. The minister took the razor to the ROSI program in Victoria and cancelled a swathe of congestion-busting projects amidst a \$9.6 billion cut to infrastructure—and that was in their first budget.

With this background, it would be expected the next annual report of Infrastructure Australia, for 2022-2023, should be a very different document. However, the government came to office with a commitment to reform Infrastructure Australia. Remember that election promise? It was a key promise that has been the slow train coming from Anthony Albanese, the Prime Minister who promised to be an infrastructure Prime Minister, and it is symptomatic of a wider malaise in the federal infrastructure portfolio, where so many areas have been cancelled, delayed or siphoned off to be re-examined by external parties. Almost all aviation decisions, with the notable exception of the recent decision to block more competition on international air travel with the Qatar Airways decision, are being pushed past the aviation white paper—never, I suspect, to be implemented before the next election.

Key government board appointments have been allowed to remain vacant for months at a time. We're waiting on discussion papers, let alone discussions, on fuel emission standards and on the size of Mr Albanese's armada—the strategic fleet he was so keen to talk about pre-election. Pressingly, we're still waiting for discussions on how we're going to fund our local roads going forward, as the number of excise-free EVs grows and fuel excise on conventional vehicles declines. As a nation we're experiencing the biggest influx of immigration in our history, with 1½ million people arriving over the next five years, while, simultaneously, this Labor government is putting the brakes on our infrastructure investment. That means the infrastructure to build road and rail links, and for water and housing—the social infrastructure to support this influx of people—is absolutely missing. What country in the world would bring a city the size of Adelaide into its realm but cut back on infrastructure spending to support a second Adelaide?

The government has established the High Speed Rail Authority, but no money has been budgeted to lay a single track. The Labor government has instigated a 90-day strategic review of the infrastructure pipeline, which has put at risk more than 400 projects that local communities have been waiting on. Infrastructure Australia was not asked to undertake that review, and, at the same time, the federal Labor government is embarking on a massive gear shift, cutting funding to roads and water and redirecting that funding towards powerlines for renewables and some premiers' pet projects, including sports stadiums. The 90-day review, which is now over 100 days and counting, is still yet to disclose what projects will be cut. The government released its response to the Infrastructure Australia review last year, and we are still waiting in this Senate chamber to actually debate the bill. We're waiting on every single piece of legislation, while the government score cheap political points, as they did all day in this chamber on a disallowance motion. The government clearly wants to have business-chilling industrial relations reforms that will negatively impact our productivity. If the Prime Minister actually wants to be remembered as the infrastructure Prime Minister, it's time to get on with it and start building. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Consideration

The following orders of the day relating to documents were considered:

Defence and Veteran Suicide—Royal Commission—Interim report—Government response and ministerial statement. Motion of Senator Lambie to take note of documents adjourned.

Global Methane Pledge—Orders of 26 October 2022 (61 and 62)—Letters responding to the orders. Motion of Senator Cadell to take note of documents adjourned.

Infrastructure Australia—Report for 2021-22. Motion of Senator Cadell to take note of document debated and adjourned.

Productivity Commission—Report for 2021-22. Motion of Senator Cadell to take note of document adjourned.

Productivity Commission—Report no. 99—Lifting productivity at Australia's container ports: between water, wharf and warehouse. Motion of Senator Askew to take note of document adjourned.

Murray-Darling Basin Authority—Basin Plan—Report for 2021-22. Motion of Senator Cadell to take note of documents adjourned.

Closing the Gap—Anniversary of the Apology to the Stolen Generations—Ministerial statements and documents. Motion of the Minister for Foreign Affairs (Senator Wong) to take note of documents adjourned.

Fair Work (Registered Organisations) Amendment (Withdrawal from Amalgamations) Act 2020—Review on the operation of the Act. Motion of Senator Walsh to take note of document agreed to.

Fair Work Act 2009—Quarterly reports by the Commonwealth Ombudsman for the periods 1 July to 30 September 2022 and 1 October to 31 December 2022. Motion of Senator Scarr to take note of documents adjourned.

Resources—Ministerial statement by the Minister for Resources and the Minister for Northern Australia (Ms M. M. H. King). Motion of Senator McDonald to take note of documents adjourned.

SmartCard scheme—Order of 21 March 2023 (184)—Letter responding to the order. Motion of Senator Ciccone to take note of documents adjourned.

Regional budget statement—Ministerial statement by the Minister for Infrastructure, Transport, Regional Development and Local Government (Ms C King). Motion of the Leader of The Nationals in the Senate (Senator McKenzie) to take note of documents adjourned.

SmartCard scheme—Order of 21 March 2023 (184)—Letter responding to the order. Motion of Senator O'Sullivan to take note of document adjourned.

Native timber harvesting—Western Australia—Order of 14 June 2023 (240)—Letter responding to the order, and attachments. Motion of Senator Duniam to take note of documents adjourned.

PricewaterhouseCoopers—Order of 15 June 2023 (248)—Letter responding to the order, and attachments. Motion of Senator Duniam to take note of documents adjourned.

Great Barrier Reef—Order of 15 June 2023 (244)—Letter responding to the order, and attachment. Motion of Senator Whish-Wilson to take note of documents adjourned.

Macquarie Point—Urban renewal projects—Order of 14 June 2023 (242)—Letter responding to the order, and attachment. Motion of Senator Shoebridge to take note of documents agreed to.

Magean skate—Order of 19 June 2023 (255)—Letter responding to the order, and attachments. Motion of Senator Whish-Wilson to take note of documents agreed to.

National Disability Insurance Scheme Financial Sustainability Framework—Order of 19 June 2023 (253)—Letter responding to the order, and attachment. Motion of Senator Shoebridge to take note of documents adjourned.

Petroleum resource rent tax—Review of gas transfer pricing—Order of 15 June 2023 (246)—Letters responding to the order, and attachments. Motion of Senator Shoebridge to take note of documents adjourned.

PricewaterhouseCoopers—Order of 20 June 2023 (257)—Letters responding to the order, and attachments. Motion of Senator Shoebridge to take note of documents adjourned.

Great Barrier Reef—Order of 15 June 2023 (244)—Letter responding to the order, and attachments. Motion of Senator Shoebridge to take note of documents adjourned.

Australian Sports Commission—Corporate plan 2023-27. Motion of the Leader of The Nationals in the Senate (Senator McKenzie) to take note of documents adjourned.

PricewaterhouseCoopers—Order of 20 June 2023 (257)—Letter responding to the order, and attachment. Motion of Senator Colbeck to take note of documents adjourned.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Government Response to Report

Consideration resumed of the motion:

That the Senate take note of the document.

Senator FAWCETT (South Australia) (17:04): Firstly, I welcome the government's response. This is a topic that has come up in this Senate via a number of motions over a number of years, and I appreciate the fact that we were able to hold this inquiry through the Joint Standing Committee on Foreign Affairs, Defence and Trade and take evidence from a range of people. Recommendations 1 to 5 have been responded to by the government in a positive way, which I think continues the appropriate approach and recognises that it is the power of the executive to make those decisions. The report looks at a range of things, many of which I have covered in previous speeches. If people want to know why I'm supporting this view, I would encourage them to look at the two or perhaps three previous speeches I have given on this topic. I want to indicate my support for that position.

In most of my time, though, I wish to speak to recommendation 6, which goes to the government's response to the recommendation by the committee that the government establish a joint statutory committee on defence to supersede and enhance the defence related functions currently undertaken by the Joint Standing Committee on Foreign Affairs, Defence and Trade. The intention here is that this should be established in a manner similar to the Parliamentary Joint Committee on Intelligence and Security, which was established through the Intelligence Services Act. I have been a member of that committee for some nine years as well as being a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and I noticed some remarkable differences in the outcomes for the portfolios.

With our national security agencies, what we see is a remarkable stability in the funding and direction regardless of which side of politics is in government. Why? Because there is informed debate based on the classified information that those agencies need to deal with. We end up with the more conservative elements of the conservative side of politics and the left-wing elements of the Labor Party, but in an appropriate environment with access to the appropriate information, and so there is serious debate. I'm talking about sometimes being in contact over weekends to thrash out issues to find some common ground and reach an agreed position on the way forward. Until very recently, I think it is fair to say, the PJCIS has never had a dissenting report, and that has delivered for the agencies and for the nation a remarkable stability.

The same cannot be said of defence. In fact, the origins of this concept go back to a report of the Joint Standing Committee on Foreign Affairs, Defence and Trade called *Contestability and Consensus*, where an almost identical recommendation was included. Why was that included? Because we see independent commentators after a change of government—and I won't say which government, so we keep the partisanship out of this, given that both sides of politics say how important defence is—and these commentators ask why it is that defence is now 'an incoherent mess' that is 'approaching a train wreck of colossal proportions', 'investment is badly stalled' and the defence budget is an 'unsustainable mess'. The reason is that bipartisanship in the defence space tends to be the government of the day saying X and often oppositions saying, 'Oh, we agree,' so there's not a shard of daylight between them. That's not bipartisanship. That is me-too-ism. Bipartisanship has to have informed debate to contest the ideas. If you want to see the origins of that notion, back in April 2013, on the ASPI The Strategist website, there was an article titled 'Defence, the most fundamental task of government' followed by one in 2017 titled 'Some things should be above politics'. These articles show the origins of how this occurred. When I was chair of that committee and tasked the Defence Subcommittee to look into this, Senator Linda Reynolds followed by Senator Molan took this up and released that report, which kicked off the thinking which led to the recommendation in the war powers report. The government has accepted that and brought it in. I think it will be a fundamental change for the better for the governance of Australia's defence. I look forward to the establishment of the committee and hopefully being able to participate in its deliberations in the national interest.

I seek leave to continue my remarks later.

Leave granted.

DOCUMENTS

Department of the Treasury

Order for the Production of Documents

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:09): I table documents relating to the order for the production of documents concerning the Australian Securities and Investments Commission.

MINISTERIAL STATEMENTS

Nuclear Waste Management

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:09): On behalf of the Minister for Resources and Northern Australia, Ms Madeleine King, I table a ministerial statement on the proposed national radioactive waste facility.

BILLS

Classification (Publications, Films and Computer Games) Amendment (Industry Self-Classification and Other Measures) Bill 2023

First Reading

Bill received from the House of Representatives.

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:10): I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:11): I table a revised explanatory memorandum relating to the bill, and move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

The National Classification Scheme (the Scheme) plays an important role as a trusted and reliable source of information for all Australians about what they, and those in their care, watch, read or play.

The current Scheme was established in 1995 under cooperative arrangements between the Commonwealth, states and territories. It provides for the Commonwealth, through the Classification Board, to classify films, computer games and certain publications; and the states and territories to enforce classification requirements under their own complementary laws.

The Scheme is based on the principles that adults should be able to read, hear, see and play what they want; minors should be protected from material likely to harm or disturb them; and that everyone should be protected from unsolicited offensive material. These are principles worth pursuing today, perhaps more than ever.

But the Scheme has not kept pace with the way Australians access media content, particularly the rapid growth in online content, or with evolving community standards. The Australian Law Reform Commission's 2012 report on Classification—Content Regulation and Convergent Media, and the 2020 Review of Australian Classification Regulation by Neville Stevens, which the Albanese Government released on 29 March 2023, found that aspects of the Scheme are no longer fit-for-purpose.

These reviews, as well as continued calls from industry, have highlighted that reform of the National Classification Scheme is long overdue.

In March this year the Government committed to a two-stage process of classification reform. A staged approach will enable immediate improvements to the current Scheme to progress now, while the Government undertakes the necessary consultation to develop a contemporary and fit-for-purpose classification framework—one that reflects the modern media environment and will serve all Australians into the future.

This Bill supports the implementation of the first stage of the Government's classification reforms by introducing a number of changes to existing classification arrangements. These changes will improve the capacity of the Scheme to deal with large volumes of online content, promote industry compliance, and increase access to cultural content in public libraries and approved cultural institutions.

Currently, there are two ways for industry to have content classified—either through submissions to the Classification Board or the use of Minister-approved classification tools. The rapid growth in the volume of content now available to Australians, particularly online, means that it is no longer efficient or effective to rely on the Board to classify content. In addition, not every content provider has the resources to invest in the development of automated classification tools. To address this, the Bill expands options for industry to self-classify content. Content providers, particularly online content providers, will be able to comply with classification regulations and reduce classification timeframes and costs for business. It establishes a new accreditation scheme to enable content to be classified by individuals who are trained and accredited by the Government.

To support the expansion of self-classification arrangements, the Bill introduces a number of safeguards. Eligibility criteria will ensure that only fit and proper people are accredited to classify content. Provisions for accreditation to be suspended or revoked for failure to appropriately classify content will also apply. The Classification Board's powers to quality assure self-classification decisions will be expanded to include decisions by accredited classifiers, similar to arrangements already in place for decisions of approved classification tools. The Bill also provides further clarification around the use of consumer advice to ensure that these advices, which are an important source of information for consumers, are being appropriately and consistently applied in classification decisions.

The Bill also expands exemptions from classification for low risk content, where it is sensible and beneficial to do so.

Exemptions from classification will be introduced for certain films in languages other than English being distributed through public libraries, as well as content that is displayed by approved cultural institutions as part of routine exhibitions and events. This will improve access to cultural content and ease the regulatory burden on institutions that provide such content.

To improve the efficiency of the classification system, material already classified under the *Broadcasting Services Act 1992* will no longer need to be re-classified for distribution on other platforms. This supports a 'classify once' principle where content that has been classified using similar classification guidelines, and has not been modified, does not need to be classified again. This approach was advocated by the Stevens Review and in the ACCC's 2019 Digital Platforms Inquiry recommendation for a *nationally-uniform classification scheme to classify or restrict access to content consistently across different delivery formats* as part of a harmonised media regulatory framework.

The Government is committed to reforming the National Classification Scheme to ensure that it meets the needs of modern Australia. The changes proposed in this Bill will help set the Scheme on the right path forward.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

COMMITTEES

Public Accounts and Audit Joint Committee

Membership

Message received from the House of Representatives informing the Senate of the appointment of Ms Murphy, in place of Mr Perrett, to the Joint Committee of Public Accounts and Audit.

BILLS

Aboriginal Land Grant (Jervis Bay Territory) Amendment (Strengthening Land and Governance Provisions) Bill 2022

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.

COMMITTEES

Environment and Communications References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Hughes) (17:12): The President has received a letter requesting changes in the membership of a committee.

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:12): by leave—I move:

That Senator Whish-Wilson replace Senator Hanson-Young on the Environment and Communications References Committee for the committee's inquiry into Australian Antarctic Division funding, and Senator Hanson-Young be appointed as a participating member.

Question agreed to.

MOTIONS

Unsolved Homicides and Missing Persons Cases

Senator THORPE (Victoria) (17:13): I move:

That the Senate—

(a) notes that:

(i) the Northern region of New South Wales (NSW) has an alarming number and cluster of unsolved homicides and missing persons cases, particularly from the late 1970 onwards,

(ii) many of the victims were First Nations, from lower socio-economic backgrounds, and women,

(iii) in many of these cases there is a similar modus operandi of the perpetrator(s),

(iv) despite the investigating agency, NSW Police, publicly speculating that some of these cases may be linked, there has never been a police strike force established to investigate these cases collectively, and

(v) representatives of the NSW Police Association have publicly stated that lack of funding for homicide investigations in Northern NSW has seriously impeded homicide cases being solved;

(b) supports the calls from families, friends and communities impacted by these egregious crimes for resourcing, and a commitment from the Government to ensure that the truth is established and justice is served in these matters; and

(c) calls on the Government to ensure that the Australian Federal Police engage with NSW Police to contribute resources and personnel to assist in solving these missing and murdered persons cases.

This motion is concerned with a large number of unsolved cases of missing and murdered people, mostly women and First Nations, in New South Wales between 1997 and 2015. I am aware of research showing there are at least 30 cases in the geographical area north of Newcastle alone, which does not have a high population. Some of these cases seem clustered in geography and time frame with sometimes remarkably similar circumstances.

Communities have long wondered if cases might be linked, yet a New South Wales Police strike force was never established to investigate these cases collectively. The investigation of these cases has long stalled, which New South Wales policy states is due to resource constraints. In the meantime, all the families and communities affected are still wondering what happened to their loved ones or seeking justice for those they lost. Crimes on people like us—women from lower socioeconomic backgrounds, First Nations women—do not get investigated and prioritised. I myself have been touched by the murder of a woman who had no justice. My aunty's daughter was carried, deceased, in the perpetrator's arms, to the front lawn of her mother's house and thrown dead onto the front lawn. This murder was never, ever looked at. The police did not care, because there was substance abuse involved. You know, the old 'drunken blackfellas'—the stereotypical way we are regarded in parts of this society that we are trying to live in. The police didn't care enough, because to them they were just drunks. Yet my aunty mourns my cousin, who's younger than me. That man carried her dead in his arms, dumped her on the front lawn and the police did nothing.

Let me just read out the names of a number of other women who are missing or murdered with no justice. Their families continue to live with the grief or the not knowing where their loved one is: Narelle Cox disappeared from Grafton 1977; Robyn Hickie disappeared from Belmont 1979; Amanda Robinson disappeared from Swansea 1979; Anneke Adriansen and Alan Fox disappeared from Kempsey 1979; Lewis 'Buddy' Kelly murdered in Kempsey in 1983; Hilda Clarke disappeared from Coffs Harbour in 1986; Susan Isenhood was murdered in Taree in 1986; Lesley Waterhouse was murdered in Port Macquarie in 1986; Helen Madden disappeared from Nambucca Heads in 1988; Susan Kiely disappeared from Bellingen in 1989; Evelyn Greenup was murdered in Bowraville in 1990; Colleen Walker-Craig was murdered in Bowraville in 1990; Clinton Speedy-Deroux was murdered in Bowraville 1991; Bronwyn Winfield disappeared from Lennox Head in 1993; Gordana Kotevski disappeared from Charlestown in 1994; Melissa Hunt was murdered in Stockrington in 1994; Ineka Hinkley was murdered in Bellingen 1996; Margaret Cox was murdered in Taree in 1996; Lee Ellen Stace murdered in Yamba in 1997; Lois Roberts murdered in Nimbin in 1998; Lucy MacDonald disappeared from Lismore in 2002; Margaret Gall was murdered in Raymond Terrace in 2002; Rose Howell disappeared from Bellingen in 2003; Harmony Bryant was murdered in Bonny Hills in 2003; Kylee-Ann Schaffer disappeared from Willawarren in 2004; Roslyn Reay was murdered in Newcastle 2005; Simone Strobel was murdered in Lismore in 2005; Amanda O'Dell was murdered in Kempsey 2006; Jasmine Morris disappeared from Grafton in 2009; and Ellen Wilson disappeared from Ballina in 2015.

I hope the people listening to this today can see that there is no justice. All we are asking for is some respect for those families and for those mothers who continue to mourn the disappearance or murder of their loved one, and some pressure on the police departments and the police to properly investigate when a black woman or a black person goes missing or is murdered. Our lives do matter in this country, and, yes, we are black lives, but this can't continue. There is a continued pattern here, and all we ask is that you take it seriously. It's not a political statement. It's not about politics; it's about justice. And I hope that you find it in your hearts to do the right thing.

Senator SCARR (Queensland—Deputy Opposition Whip in the Senate) (17:19): I'll be reasonably brief, because I want to give Senator Green an opportunity before the 5.30 adjournment to provide some comments as well. Can I compliment Senator Thorpe for bringing this matter before the Senate. The purpose of my contribution is to inform the Senate that the Legal and Constitutional Affairs Committee References Committee, as senators

might remember, is conducting an inquiry into missing and murdered First Nations women and children, and we are progressing our work in that regard.

We have conducted two in camera hearings in Perth and Northern New South Wales, where we've had the opportunity to hear evidence from families who have been impacted by the events which Senator Thorpe alluded to. Can I say that hearing that evidence from those families has made clear to us that for each and every name that Senator Thorpe mentions there is a family—there are parents, mothers and fathers, sisters and brothers, nephews and nieces—and the trauma arising from those events is carried across the decades as people seek the justice that Senator Thorpe referred to.

The committee is working through a process where we're hearing from the families of victims, and the process we're undertaking is that after we have a hearing where we hear from the families, we subsequently have a hearing where we hear from the authorities, so we can put to the authorities the evidence which we've taken—in many cases, absolutely horrifying evidence; just incredibly disturbing—to inquire into what action has been undertaken.

We're looking to issue a progress report by the end of the year and continue working diligently to come up with recommendations to address the real issues that Senator Thorpe has alluded to. I thank all members of the committee, including the deputy chair, Senator Green, and also Senator Thorpe, who has provided really valuable assistance in terms of the committee's work. Can I also reassure senators that this is something which the committee is taking extraordinarily seriously and which we all have an obligation to take incredibly seriously, because, as I said, some of the evidence we have heard is deeply, deeply disturbing, and the trauma that has been experienced by families has continued across the decades. This is something we need to shine a bright light on.

Senator GREEN (Queensland) (17:23): Thank you for the opportunity to speak on this motion. Before I begin, I want to take a moment to acknowledge that, probably since this motion was drafted, we've had the deaths of more women, particularly the horrific and tragic death of a mother of three earlier this week in Perth. I don't know what the culturally appropriate thing to do is, but I want to extend my deepest sympathies to her family and note that she was described by her family as very caring:

Everyone knew her, felt safe with her. She loved her children, everyone's children. She made a fuss over everyone. She is no longer with us today.

I want to thank Senator Thorpe for moving this motion, and I want to thank Senator Thorpe for moving the motion which established the Senate Legal and Constitutional Affairs Committee inquiry into missing and murdered First Nations women and children. I do want to use this as an opportunity to update the Senate on the work that were doing. The chair has aptly done that today. I really do want to make sure that we're conducting those hearings in a way that protects the confidence and privacy of families. That's why we are being very diligent. It might seem like we've asked for a lot of time to conduct these hearings. We've asked for an extension of time, and we intend to provide an update to the Senate on the work. But it was really important to me as a member of that committee that we took the time to understand what some of the issues and barriers would be, not only to the evidence we would receive but even for families as they relived that trauma by giving evidence. We looked at how we could do that in an appropriate and safe way. The deputy chair uses the word 'trauma', and that is the only word to describe what these families have been through. It is trauma that is not just intergenerational but unrelenting. In most circumstances and in the evidence we've heard, I'd say that trauma has been unnecessary and inflicted on people who didn't deserve to live a life without their loved ones. Carefully, without naming the families we met, I want to thank them for participating in hearings. I know that it's been really difficult and really painful to relive a lot of that storytelling.

As a senator, you get these opportunities from time to time to participate in work outside your realm of expertise, and it's some of the most meaningful work I think I'll ever do in the Senate. It's meaningful because I've never had the opportunity to hear those stories firsthand. They're not just moving but do change the way you see and understand the world. That's an experience that I don't think I would have ever had unless I was part of this committee process. I'm sorry that families have had to go through the process of telling these stories again, but I'm very grateful for it.

On the substantive issues that are raised in the committee around the conduct of police and authorities, what is real and alive to us as committee members is that we are hearing evidence of systemic issues that cannot be addressed by a couple of recommendations through a Senate inquiry. This work does need to be methodical and really well thought out. We thank the Senate for the extension of time, and we thank Senator Thorpe for supporting the work that we're doing. We intend to hold further hearings, but we are really mindful of going back to authorities, putting these issues to them and then going back to families and asking them if there's anything else we need to be aware of. We're going to hold some hearings—I think I can say—in Queensland. We're not just looking at one state or one police service. I know you've raised issues about the NSW police and the families from New South Wales, but I just want to make it clear that we are looking at this at a national level, and that's what this inquiry was meant to do, because only the Senate can consider this from a federal point of view.

With the few moments I have left, I want to thank the chair for the way that you've conducted the hearings and the way you've approached the task. I thank Senator Cox for her contribution, and I thank Senator Thorpe. I hope we can continue on the path forward that we've established in creating a safe space for senators to ask the dumb questions that we don't know the answers to, to make mistakes and to understand that it's really important that we don't have all the answers yet, but that the reason we're doing the work is so that we can establish some justice and some resolution, albeit very small, for families who have suffered for a very long time.

I thank Senator Thorpe for moving this motion because it gave us an opportunity to talk about the work we have been doing. The work we have been doing isn't finished. It will be a very emotional day, I think, when we do finalise the work of the inquiry, and I hope all senators benefit from the opportunity to hear from the committee once we have finished.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hughes): Order! I propose the question:

That the Senate do now adjourn.

Albanese Government

Senator POLLEY (Tasmania) (17:30): I think the contributions made here today highlight some of the amazing work that we as senators are able to do. They also demonstrates how we can work together around this chamber in a very sensitive and caring manner, so congratulations for those contributions. I would like to talk about the highlights for me this week. There has been a buzz around the parliament—that is, how well the Matildas have done, the excitement and the way not only we in this building but the Australian people also have gotten behind the Matildas.

In talking about what's really been happening in the parliament over the last two weeks, I think it is important we talk about the achievements of the Albanese Labor government. We have seen the introduction of the cheaper childcare benefits, which have now taken effect. We have lowered the price of medicines. We had a debacle here in relation to the 60-day scripts that were going to benefit six million Australians with cheaper medicines. I've spoken about this not only in this place but also to the minister. In my home state, it is part of my responsibility to make sure that in small rural areas the pharmacists become the benefactors of the money that the government is going to save by now having 60-day dispensing available, bearing in mind that the doctors have their right to continue to give 30-day scripts. We have to trust our doctors; they are supportive. All the consumer groups are very supportive and that will make a difference in helping to address the economic crisis that we are in and with the cost of living that is impacting on Australians at this point in time.

We are also rolling out, in conjunction with states and territories, energy bill relief. I'm delighted to speak again about the fact that the first of four Medicare urgent care clinics have opened in my home city of Launceston. That's going really well. For local people, the benefit is that they will only need their Medicare card to be able to get the urgent care they need, which will take pressure off the staff at our local Launceston General Hospitals, which, I think, is important.

I want to also speak about my concern for those in this place, who I know—a lot of them—in their heart of hearts want to see real improvement for the lives of our fellow First Nations people but they are bound by their party, most of them, particularly those in the shadow cabinet and shadow portfolios. Unfortunately, they have to tread the path of their leader, Mr Peter Dutton. I think it's really sad that in 2008, when there was the historic apology given in this parliament, the now leader of the Liberals walked out of the House of Representatives. It seems to me that he hasn't moved forward. After hearing the heartfelt contributions on the motion about the great work of the Legal and Constitutional Affairs References Committee, they don't have that same passion to improve the lives of our fellow Australians by making sure that we provide the opportunity to hear directly from the First Nations people so we have better health outcomes, so we extend the life expectancy of First Nations people, so they can enjoy the real economic benefits so they can see their future, and to have that recognition because they know better. They absolutely know better than we do.

The very first time I went to Central Australia was when we had an inquiry into petrol sniffing. I was just amazed, absolutely amazed with what was happening. If I was out there living at Mount Theo and in that community, I think I would have been sniffing petrol as well. When you see the life that those people have— (*Time expired*)

Future Fund

Senator SCARR (Queensland—Deputy Opposition Whip in the Senate) (17:35): I thank Senator Polley for her gracious remarks at the commencement of her contribution with respect to the work we're undertaking on the Legal and Constitutional Affairs References Committee. It's done on a very, very collegiate basis in the best traditions of

this place. Through you, President, I enjoy serving on committees with Senator Polley and Senator Ciccone. I haven't really had an opportunity to serve on committees with Senator McAllister to any extent—

Senator Ciccone: You're missing out!

Senator SCARR: Well, I'm sure I would have gained from that as well. Of course, I enjoy serving on the scrutiny of legislation committee with my dear, dear friend Senator Dean Smith with his chairing combination of the iron fist in the velvet glove.

I want to make some remarks at this hour with respect to an article which appeared in the *Australian Financial Review* on 10 August 2023 entitled 'Chalmers urged to liquidate the \$250b Future Fund to pay debt'. There's a reference in that article to a paper that was issued by Mr Dimitri Burshtein called, 'A Future Without Future Funds' a policy of the Centre for Independent Studies. I want to make comments in relation to some of the concepts and proposals contained in that paper.

I want to acknowledge the great work the Centre for Independent Studies has done over a number of decades in promoting what is a foundational principle of my political belief system, the principle of classical liberalism. When you go into my office, you'll walk between a photograph of John Stewart Mill on your left and Voltaire on your right. That probably encapsulates all you need to know about the views I hold. I acknowledge the role that Greg Lindsay undertook in the establishment of the Centre for Independent Studies. It provides an extremely useful mechanism for the promotion of political debate in this country, just as this paper on the Future Fund does.

I don't believe that the Future Fund should be liquidated or monetised in order to pay down debt. I've got three comments I'd like to make in relation to that subject. Firstly, there is much which is contained in Mr Burshtein's article that I do agree with. However, I think there are three additional points that need to be considered, and the first is this. From my perspective, when considering the establishment of funds such as this, state-owned investment funds, the critical question is: what is the source of the funds? I have an objection towards the establishment of such funds using debt, and that goes to the core of my objection to the establishment of the Housing Australia Future Fund. I do not believe it's wise to establish such investment funds through the use of debt and I draw a distinction between funds established through the use of debt compared to funds that are established through the proceeds of the sale of government assets, privatisation processes, and/or the establishment of funds using budget surpluses, as was the case in 2006, when the Commonwealth is in a positive or a very minor debt position. That's the first point, and I note that is fundamental to the way I look at these funds.

Secondly, and we should all reflect on this, when the Future Fund was established in 2005, the assumption was that the Commonwealth's unfunded superannuation liabilities were forecast to be \$140 billion by 2020. Here we are now, and as at 30 June 2022 the unfunded superannuation liabilities were \$322 billion. That is a deeply concerning figure. I think, to some extent, given the Future Fund has funds over \$200 billion, we are quite lucky that the government of the time had the foresight to establish the Future Fund.

Defence Capability

Senator CICCONE (Victoria—Deputy Government Whip in the Senate) (17:40): I want to take a moment today to talk about something that is becoming increasingly important to Australia—that is, our sovereign capability to support our own defence needs and strategic priorities. As was noted in the *Defence strategic review* earlier this year, Australia is in an unprecedented and complex strategic environment. Our sovereign capability to produce defence assets is important not only for Australia's own defence but also for the broader defence activities of our allies. This was highlighted at the recent Australia-United States Ministerial Consultations, known as AUSMIN, in Brisbane last month. These talks advance the Australia-US alliance in a number of areas. A joint statement was issued by the Minister for Defence, Deputy Prime Minister Richard Marles, and the Minister for Foreign Affairs, Senator Penny Wong, with their US counterparts the US Secretary of Defense, Lloyd Austin, and the US Secretary of State, Antony Blinken. This statement covered increased bilateral activity in a number of policy spaces, including shaping an open and stable Indo-Pacific and taking action on climate change as well as defence and security co-operation. A key outcome of these discussions was a commitment to establish a local guided weapons industry which will produce missiles for the United States, and I guess the long-term vision would be developing for Australia as well.

Working with the United States, it has become very clear that Australia has a more significant role to play in preserving the balance of power in our region both through defence activities and the manufacturing of defence assets. Developing our understanding of how much the Australian Defence Force can fulfil its needs and support our allies through domestic industry is essential if we are going to make smart choices about our defence policy and adequately fulfil our role in the Indo-Pacific. This is why I'll be chairing an inquiry into the capability and capacity of Australia's defence industry through the Senate Foreign Affairs, Defence and Trade Legislation Committee. This

inquiry will consider how Australia's defence industry is placed to meet current and future needs of the Australian Defence Force.

Procurement assets from our own defence industry has obvious benefits for Australian jobs. As our industry grows, so too does the number of opportunities for Australian workers to get good jobs, contributing to our national security. We can see this through the AUKUS agreement, which will support 20,000 jobs over the next 30 years. This inquiry is about more than just jobs; it is about a close examination of how we will be well positioned to have more investment in our domestic defence industry and how that industry is meeting our nation's security needs. We all know there is some inherent risk in acquiring assets, components or services from overseas; we saw that recently with the global COVID pandemic. Australians are all too aware that we cannot guarantee the free transit of goods between nations, being an island nation, whether this is because of the pandemic, natural disasters, conflict or some other event we cannot predict in the future. It is imperative we take a serious look around our supply chains in this country.

Of course, sometimes this inherent risk must be accepted. After all, it would be far riskier for Australia to lack the defence assets it needs when it needs them instead of purchasing them from overseas suppliers. But this does not mean that we can ignore the cost, economic and strategic, of reliance on international supply chains of Australia's defence. This is why I look forward to chairing this inquiry and getting a clear picture of what defence needs can be effectively met by our own domestic industry and what needs could be met with the right policies and investments. It is so important that industry leaders and policymakers have all the information they need to make a positive decision in the national interest. Our increasingly complex strategic environment demands deliberate, evidence based procurement. This is why the Albanese government commissioned the Defence Strategic Review, and that is why we are undertaking this inquiry.

Youpla Group Funeral Benefits Program

Senator DEAN SMITH (Western Australia) (17:45): There has been a financial regulatory failure that cannot be allowed to be forgotten and that deserves our best heart when it comes to crafting a solution. It concerns the abuse of vulnerable people, often in remote areas of Australia, who have been left out of pocket and exposed by an entity they trusted to support them and their families at an incredibly sensitive time. The Aboriginal Community Benefit Fund, or Youpla, sold bad funeral insurance plans to Indigenous policyholders for more than 30 years, with some losing up to \$40,000 of their savings when it collapsed in March 2022. Despite its claims, this fund was not Aboriginal controlled or operated. It has left a widespread legacy of debt and distress for people who are taking personal responsibility for the sorry business arrangements of themselves and those they loved.

I first met with members of the Save Sorry Business campaign and those they are supporting during an event here in Parliament House earlier this year, and I spoke about it in the Senate the same day. I also raised the matter in the most recent round of Senate budget estimates hearings, where I asked ASIC about attempted compensation, the investigation into the conduct of the former directors of the ACBF and the geographical dispersion of those affected. One of ASIC's responses to questions taken on notice stood out in particular to me. It said there was not any state or territory in Australia that has been left untouched by the harm of this entity.

I've also been in touch with groups supporting affected locals in Western Australia's Kimberley region and committed to visit them, which I did a couple of weeks ago in Broome. At Broome CIRCLE, I met with financial adviser Veronica Johnson and a number of survivors who travelled from surrounding communities. It was an understandably open and emotional discussion, and I was grateful to share in it. Some people had purchased plans for a significant number of family members. One of those present was Bernadette Angus, a traditional owner from the Bardi Jawi people on the Dampier Peninsula. She had hoped to come to Canberra herself but was unable to do so. Instead, she presented me with a letter that she has asked me to read into this parliament, which I will do. She says:

Dear Senator Dean Smith,

My name is Bernadette Angus, I am a Traditional owner from the Bardi Jawi people in the Kimberley region.

I want to start by thanking you for giving me an opportunity to talk on my behalf of my people regarding the collapsed ACBF/Youpla funeral plans that have affected so many Aboriginal people in my community and around Australia.

In 2005 ACBF/Youpla Funeral insurance mob came to Djarindjin community, pretended to be an Aboriginal organization, they displayed some goods such as key rings, magnets, and banners all in the colors of the Aboriginal flags. They told us they were an Aboriginal organization, and they could help us for when the time came, we believed them and I signed up myself, my daughter and her partner who was not well enough to sign a contract he could not understand. We have all been robbed and lied to by this mob and we would like to see justice being done.

ACBF took our money for many years and used the Centrepay to access our Centrelink payments with some paying from their baby money, since the ACBF have collapsed it has left us all with no money to bury our family and left us all in financial stress when someone passes. This is so unfair that we have been lied to and robbed, not just in the Kimberley but right around Australia.

We have now lost all our trust in all funeral insurance plans and have no money for funerals for our people after paying ACBF/Youla for so many years, we would like to get some justice in the form of compensation, maybe a funeral plan that is going to be protected by the government so that this disaster that happened with ACBF/Youpla never happens again.

Please Respect and Protect our Sorry Business for all our people.

Bernadette Angus

Traditional Owner

Bardi Jawi

This, indeed, is a sorry state of affairs. It has gone on for a long time. There is movement, but in finding a solution—and we hope a solution will come before the end of the year—let us be the best we can be, find the best hearts, to correct this terrible injustice that has been delivered upon some of the most vulnerable people in our community, who were prepared and were taking financial responsibility for their own affairs. This is outrageous, and we need to be the best we can be.

Senate adjourned at 17:50