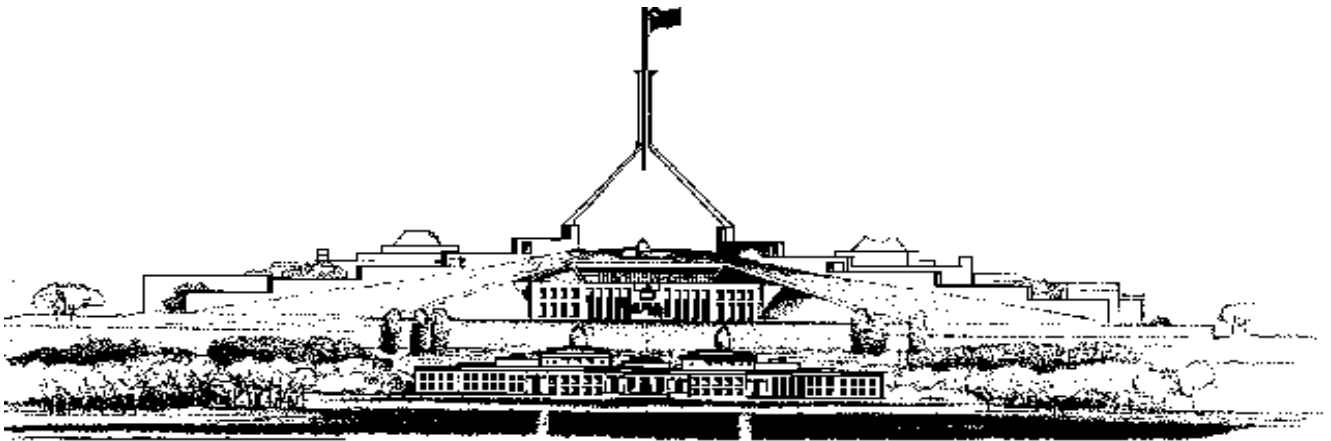




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

Wednesday, 6 December 2023

FORTY-SEVENTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE

**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,
Grogan, Hughes, McGrath, O'Neill, O'Sullivan, Polley, Pratt,
Dean Smith, Marielle Smith, Sterle 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

Printed by authority of the Senate

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
Pocock, Barbara Ann	SA	30.6.2028	AG
Pocock, David Willmer	ACT		IND
Polley, Helen Beatrice	Tas.	30.6.2028	ALP

Senator	State or Territory	Term expires	Party
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
Sharma, Devanand Noel ⁽³⁾	NSW	30.6.2028	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.

⁽³⁾ Chosen by the Parliament of New South Wales to fill a casual vacancy (vice M Payne), 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 Assistant 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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Wednesday, 6 December 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 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:

Corporations and Financial Services—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 7 December 2023, from 11.15 am.

Finance and Public Administration Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.30 pm.

Finance and Public Administration References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.30 pm.

in camera hearing today, from 5 pm.

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

BILLS

United Nations Declaration on the Rights of Indigenous Peoples Bill 2022

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "and:

(a) the bill be referred to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs for inquiry and report;

(b) in conducting the inquiry, the committee may consider the relevant evidence and records of the Legal and Constitutional Affairs References Committee relating to its inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia in the 46th Parliament; and

(c) further consideration of the bill be made an order of the day for the first day of sitting after the committee presents its report".

Senator URQUHART (Tasmania—Government Whip in the Senate) (09:01): by leave—I withdraw the amendment moved by Senator Dodson.

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (09:02): I thank those who have contributed to this debate. In 2007 the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. The declaration laid out a set of universal rights for first peoples from across the globe. It included first peoples' rights to self-determination and participation in decision-making processes. After the Howard Liberal government refused to ratify the declaration in 2007, it was the Labor government led by Prime Minister Kevin Rudd that chose to adopt its principles in 2009. The leadership by the Labor government to become a signatory ensured that governments to come would make efforts to give practical effect to the declaration. Under the Albanese Labor government, we are proud to be able to say that we are working hard to continue to uphold the values and the principles laid out in the declaration. It has formed our entire approach to our policies in relation to improving outcomes for First Nations people in this country.

The legislation proposed by Senator Thorpe, the United Nations Declaration on the Rights of Indigenous Peoples Bill 2022, is modelled on legislation passed in Canada in 2021. This government acknowledges that much of Canada's work in relation to supporting and advancing the interests of their first peoples is world leading. However, this government also acknowledges that Indigenous Australians need legislation and policies that will be effective for Indigenous Australians.

Since last year, the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs have inquired into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia. On 28 November the joint standing committee presented its report. I'd like to take a moment to acknowledge the fantastic work of my friend and colleague Senator Patrick Dodson, the chair of this committee. I'd also like to join the chamber's sentiments in relation to praising Senator Dodson's incredible career and service to this place, as well as to the Aboriginal and Torres Strait Islander people across Australia. I wish him well in his forthcoming retirement.

The report that was presented to the Senate on 28 November includes contributions from experts, organisations and community members alike from across Australia and overseas. The report makes six recommendations. The recommendations seek to, firstly, ensure stronger alignment to the declaration in the government's policy development; secondly, gain agreement between jurisdictions to approach a further implementation; and, thirdly, develop civics education programs.

Let me be clear: there are no recommendations from the joint standing committee's report suggesting this government should adopt Canada's approach to the United Nations declaration, which is essentially what is in this bill today. What these recommendations do endorse is a renewed commitment from governments to ensuring that self-government and participation in decision-making remain at the heart of policy development and legislative change for matters of Indigenous affairs. It is what has underpinned this government's approach to Indigenous affairs and, in the spirit of those three principles, we as a government will ensure that we take time to engage and consult with First Nations people in a deliberate and meaningful manner. Our government will ensure that our response to those recommendations is determined in partnership and through meaningful consultation with First Peoples. To do otherwise would be entirely inconsistent with the very principles of UNDRIP. We must take the time to get this right.

This Labor government, like Labor governments before it, is proud to support the United Nations Declaration on the Rights of Indigenous Peoples. We believe in the right to self-determination and participation in decision-making. We know that, when First Peoples are meaningfully involved in the development of laws and policies about them, those laws and policies are more successful. We took to the last election an agenda centred on tackling disadvantage, supporting self-determination and empowering Indigenous communities. This included our commitment to hold a referendum on constitutional recognition. We, of course, respect the decision of the Australian people. We remain firmly committed to delivering a better future for Indigenous Australians, and we remain firmly committed to closing the gap.

Our priorities are the priorities Aboriginals and Torres Strait Islanders have themselves spoken about: health, education, jobs, housing and justice. We're getting on with the job, replacing the failed CDP with a program that is about real jobs, real wages and investing in the projects and services local communities need. We're improving water supply and treatment in remote communities, investing in basic services in the homelands for the first time in many years. There is justice reinvestment to keep people out of jail, reduce offending and change the path of people's lives for the better. We're getting on with the job of delivering a better future for Aboriginal and Torres Strait Islander people, investing \$164.3 million to refurbish and build critical health infrastructure for more than 17 Aboriginal community controlled health services. We are expanding renal services by investing \$45 million to deliver up to 34 chair dialysis units to provide life-saving health care. Progress is underway at six dialysis sites, and a steering committee, through co-design with the sector, is progressing future locations. Over 1,000 bedrooms have been delivered in the Northern Territory through Commonwealth funding under the national partnership. This is in stark contrast to those opposite, who cut more than \$500 million from Indigenous affairs in their first budget in 2014.

In relation to First Nations justice, we are investing \$81.5 million in up to 30 community led justice reinvestment initiatives across Australia. We are establishing an independent National Justice Reinvestment unit, as recommended by the Australian Law Reform Commission. This is the largest justice reinvestment package ever committed by the Commonwealth. These projects will address the underlying socioeconomic drivers that increase First Nations people's risk of contact with the criminal justice system, working with local communities on local solutions.

We have heard from communities right around Australia—urban, regional and remote—in every state and territory about how to design a program that will work for them. We've been providing readiness support in several communities, including Katherine in the Northern Territory, the Pilbara in Western Australia, Townsville in Queensland, Port Augusta in South Australia and Circular Head in Tasmania, and we have delivered on our commitment to set up a justice reinvestment program in Alice Springs. This is part of a \$99 million First Nations justice package that also includes unprecedented investment in Aboriginal and Torres Strait Islander legal services to provide culturally appropriate legal assistance in coronial inquiries and real-time reporting of deaths in custody.

The government is working closely with the states and territories on a proposal to raise the minimum age of criminal responsibility.

But, of course, we acknowledge more can be done. As a signatory to the declaration, we commit to taking further steps to realise those international standards and to do so in the spirit of partnership and mutual respect. The United Nations declaration brings together existing human rights and applies them to specific contexts affecting Indigenous peoples. It provides a framework for countries to realise these rights but provides flexibility so the specifics can be determined at a domestic level. While we have structures in place to facilitate first people's perspectives, more can and should be done. As I mentioned earlier, the joint standing committee presented its report on 28 November. This government will take time to consider the report thoroughly and work with first peoples on how best to move forward. We will take this time because of the fact we have signed up to the declaration and because we are committed to working with local communities towards a better future for Aboriginal and Torres Strait Islander Australians.

Senator SHOEBRIDGE (New South Wales) (09:12): The United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, was adopted by the United Nations General Assembly on 13 September 2007. On that date, Australia was one of just four countries to oppose UNDRIP. We stood in a shameful group alongside Canada, New Zealand and the United States. Looking at the four countries who voted against UNDRIP at the time really tells you all you need to know about the declaration and about the power imbalances it's been seeking to right on this globe. Australia finally endorsed UNDRIP in 2009 but it hasn't really led anywhere. We have no framework—legislated or otherwise—no action plan and we don't have a clear picture of what UNDRIP could look like in the Australian context or how we would finally become not just a bare signatory of UNDRIP but a nation who embeds principles in our legislation and in our relationship with First Nations peoples.

I want to recognise the work of my colleague Senator Cox, who, since she came into this place, has pushed for the implementation of UNDRIP, pushed for legislation just like this and who did it working with First Nations peoples in her home state of WA and around the country. UNDRIP is a core part of the Greens' commitment to justice for First Nations people with truth, treaty and voice and it's a commitment that I hope the rest of this parliament shares; although this vote will tell.

As the report tabled last week shows, implementing UNDRIP is not as simple as just one bill or a couple of changes here and there. It's not an exercise in nip and tuck. It can look, and indeed does look, very different in different countries. We can't afford to have a half-baked approach. We need plans and time lines. We need to listen to First Nations peoples of this country about how they want the implementation of UNDRIP to look for them in their country. It will require a full audit of our existing laws, policies and practices to ensure they are UNDRIP compliant, which means consulting with first peoples about how these laws, policies and practices can become compliant with UNDRIP and then actually following that advice. UNDRIP is about First Nations peoples having the final say on First Nations affairs. On this continent, First Nations peoples have 65,000 years of experience in managing their affairs, managing their families, managing their rivers and managing their culture. The Greens think that makes them more than qualified for the job.

We have a Labor government that was committed to holding a referendum on the Voice but, at the same time, is stubbornly refusing to listen to the voices of traditional owners and First Peoples in the Beetaloo, in Scarborough, in Narrabri and on the Tiwi Islands. They say that our cultural heritage protection laws are too weak, but then Labor are constantly kicking the can down the road on strengthening them. Labor say they're committed to closing the gap. We're not seeing progress. In fact, in many cases the gap's getting bigger. Finally, just as we heard from the minister then, Labor will say they are committed to First Nations justice and to improving the lives of First Nations peoples, but then they'll come in here and vote against this bill.

All the while, we see Labor, at state and federal levels—and, increasingly, in an ugly way at a federal level—participating in the law and order options that see more and more First Nations people locked up, seeming to accept that, on any given day in a juvenile detention facility in the Northern Territory, every kid will be a First Nations kid; seeming to accept that a Labor state government in WA will be jailing their kids in torture-like conditions in breach of multiple UN conventions, not least the UN Convention on the Rights of the Child, and refusing to do a thing about it; and accepting that in Queensland watchhouses there will be a couple of hundred First Nations kids in police jail cells in conditions that any fair observer would say amount to torture. This is under a Labor state government, and federal Labor will do nothing about it. Then they'll vote against this bill.

So, when we hear those words and those empty political commitments, the sheer hypocrisy of it is hard to keep hearing. It is, in fact, standing in the way of real progress in this country. Speeches like that stand in the way of real progress. Following the referendum result, we needed, as a nation, to be throwing our arms around First Nations peoples, showing our unqualified support after what was, frankly, a disgusting campaign when, on occasions, their

very existence was up for debate. We've heard crickets from this government post referendum about what it's going to do to address the disadvantage and oppression that too many First Nations peoples face.

As we have this debate, First Nations peoples are still being racially targeted by police. They're still being locked up. First Nations people are still dying too young. First Nations communities are still scared when they see a white government car drive into their neighbourhood, because they think their kids are going to be stolen. First Nations peoples are still on the front line, trying to protect their cultural heritage from being destroyed for profit by a couple of big corporate donors to the Labor Party and the coalition.

UNDRIP is about empowering those people on the front line. UNDRIP is about empowering those First Nations elders, those knowledge keepers, and it's also about bringing the rest of the country on board. It's about bringing people together to build communities that are genuinely free from discrimination. In that regard, you can look at article 2. It's about ensuring that First Nations peoples have the right to full and effective participation at any and every stage of action that affects their lives. The concept of free, prior and informed consent is found throughout UNDRIP. That alone would completely change the way governments, developers, miners and pastoralists seek approval for projects that affect First Peoples' land, skies and waters. It would put an end to the coercion, manipulation and division that we currently see time and time again across all levels of government, and especially across the extractive industries—extractive industries that play a centuries-old playbook of seeking division amongst First Nations peoples, using economic coercion in order to get their outcome, which too often is the destruction of that land, the killing of the water and the ignorant obliteration of culture.

There are four key principles that are seen throughout the articles of UNDRIP: self-determination, participation in decision-making, respect for and protection of culture, and equality and nondiscrimination. How could we not vote that into law today? There's still a lot of work to be done, even if we pass this bill, to uphold these principles and rights. It's now time to start the work. To start, we need a plan on how exactly we're going to implement these vital rights for First Peoples in our laws, policies and practices. It's time for governments to stop the kinds of speeches we just heard from the minister, to stop the empty rhetoric. It's time to vote up action in this place to finally implement UNDRIP. It is a powerful tool, not just for First Nations peoples but for a sense of historic righting of wrongs in this country, a healing of the country, a bringing together of the country. UNDRIP is about fighting for the rights of First Peoples in this country. So let's legislate it.

The DEPUTY PRESIDENT: Senator Thorpe, please sum up the debate.

Senator THORPE (Victoria) (09:21): Well, it is another day in the colony. This is Australia, everybody. This is a government—the so-called progressive Labor government—that waves the Aboriginal flag, wears the Aboriginal earrings and says it's our friend. Yet it denies the rights of Indigenous people in this country. To vote down the United Nations Declaration on the Rights of Indigenous People is an absolute disgrace. You should all hold your heads in shame, Labor. I'm surprised your Indigenous representatives aren't in the chamber to participate in this discussion. It shows that there's a real shame factor going on in your party. Despite Senator Dodson's legacy—all the contributions he's made whilst he's been here—you did not even have the decency or the respect to give Senator Dodson a legacy that we can never forget, and that is a legacy of giving us rights in this country.

We haven't had rights since the boats arrived 250 years ago. The colonial project is only about taking away those rights so that you can rape and pillage our country, our water, our women, our babies, our men. There have been 550 deaths in custody. There are over 20,000 Aboriginal and Torres Strait Islander children not living with their families because your government continues the ongoing genocide against First Peoples in this country. You railroaded this inquiry, and you railroaded this bill, the United Nations Declaration on the Rights of Indigenous Peoples Bill 2022. You hijacked it for your failed Voice, which, may I remind you, had no free, prior and informed consent, and it wasn't self-determined by the people. It was 'self-determined' by John Howard and the Liberal Party way back when.

So don't pretend that you're doing us a favour, Labor. You are complicit in the ongoing genocide by not implementing the Royal Commission into Aboriginal Deaths in Custody, by not implementing the recommendations of the *Bringing them home* report. Numbers are still skyrocketing in every community in this country. And, yes, there are blackfellas everywhere in this country. Even down south you might find us. You didn't wipe us out completely. We survived the massacres, the murders, the rapes, and I'm living proof of that, and I'm so glad I've got five years left in this place because I'm going to make your job hell for the next five years. I will not stop until we get justice in this country for First People.

I'm not here to make friends. Let's face it, it's a colonial project. You all bow to the Queen and bow to the King and bow to everybody in here and follow the processes of the colonial institution. Yes, I'm a part of this, but I'm only here to rattle and shake every one of you into understanding that you are complicit in genocide and that the genocide continues in the most sophisticated way in 2023.

The minister's speech was a beautiful example of that—the ongoing genocide, the ongoing denial, the ongoing 'let's pat the little blackfellas on the head and give them some money for their health service to shut that mob up'. Well, I don't subscribe to that. The black sovereign movement doesn't subscribe to that. Elders across this country don't subscribe to that. Yet you wield around your little power wand and your money train to our people. You suck them in and then, at the end of the day, you come to the chamber and deny our rights.

Where are the blackfellas in this place? Where are all the black people supporting the United Nations Declaration on the Rights of Indigenous People? Is it not safe for our people to be in this chamber today because the Labor government have decided to not support our rights in this country? Minister, you talked about Kevin Rudd—deadly Rudd; deadly apology. Why has child removal increased since the apology? Why is it out of control right now? Why are we still dying younger? Why are black women like me still dying younger in this country, our own country? You're not closing the gap.

Labor, all you are good for is smoothing the dying pillow. That's all you're good for. Just keep the blacks happy while we slowly continue the legacy of the colonial project. Wipe them out. Keep them sick. Don't give them any rights to be able to determine their own destiny. If we keep smoothing that dying pillow, one day we won't have to worry about them anymore.

Minister, you say you uphold the principles. Where's free, prior and informed consent, as Senator Shoebridge points out, in regard to the Beetaloo basin? Why do you listen to some traditional owners and not others? Why are you hand-picking the blackfellas to talk to and the blackfellas not to talk to? Who are your advisers, because you're getting bad advice? You're hurting our people. You're denying our rights. It's been 15 years since your deadly Prime Minister Rudd said sorry. We've got 20,000 kids in out-of-home care. In 15 years what have you done with UNDRIP? Come to the chamber today: 'Merry Christmas, blackfellas out there!' You think that we're going to let you get away with this?

When you have your own ministers giving money to the police and the prisons, and not the people to self-determine what the solutions are in their own communities, you're giving money to the police to be tougher on crime, particularly on young people in the Northern Territory. You're a joke! You talk about legal services, Minister. They're struggling. They're underfunded. Yes, you might have given them some small change. You get more money from your donors than you give to the legal services. Good luck sleeping with that at night. Obviously your pay packet and your power are more important than the rights of our people.

I'm going to read a quote from Professor Chelsea Watego, Mununjali Yugambeh woman and Executive Director of the Curumba Institute at Queensland University of Technology:

When we speak of Indigenous rights, we are speaking about Indigenous lives—
are you awake over there or what?—

It is a call for a rethink of Indigenous affairs, away from the needs-based approach which operates as a self-fulfilling prophecy, keeping us trapped on the mouse wheel of misery—it is what keeps our kids in out of home care, kicks our kids out of schools, places our people in prisons, and leaves us grieving at gravesites for lives lost well before their time.

Enshrining UNDRIP into Australian law would've been a way of getting us off this miserable road to nowhere and realise real progress for our people.

The continued denial of our rights by those who have the most to gain reflects a steadfast commitment to the continuing violence of settler colonialism and absolute indifference to Indigenous lives and lands.

And another quote from a countryman of mine, Gunaikurnai and Wotjobaluk man, journalist and writer Benjamin Abbatangelo:

If the Albanese government had a modicum of decency, then it would have enthusiastically supported Senator Thorpe's bill—which is not only a bare minimum and uncontroversial piece of legislation that other comparable nations have already enshrined; but a logical next step in the wake of a failed referendum.

Over the last eighteen months, Labor ministers have written countless columns and used innumerable domestic and international press conferences, question times, senate estimates, television and radio interviews—

remember all that? Remember 12 months of the pain in your ears of the Labor government saying how great they are with the relationship with blackfellas in this country?—

sports and cultural events to prosecute the urgent need to address Indigenous marginalisation. Senator Thorpe's bill provides the government with an actionable and familiar framework that would not only radically improve our lives, but address the very marginalisation that they said can no longer be ignored.

After spending almost two decades delaying the implementation of UNDRIP, which has culminated in the rejection of this bill, the government should be removed as a signatory.

There you have it. There's a couple of voices for you.

I know our people have a little love for Labor because of Gough Whitlam—not because of Kevin Rudd or Albanese or any of the others, but because of a great man way back when I was a kid. He'd be rolling in his grave if he saw what was going on today with the denial of our rights. It's a sad day when you get a so-called progressive government denying the rights of Aboriginal and Torres Strait Islander people in this country. It is another day in the colony. What you're seeing in Palestine right now is what happened to us 250 years ago. The genocide still happens here. I don't know how many ministers I've had to negotiate with in the last fortnight to get self-determination into the legislation and to get free, prior and informed consent into the legislation. I'm sick of begging your ministers for our rights. When are you going to stand up and truly be our friends and ensure that we have rights in this country? (*Time expired*)

The ACTING DEPUTY PRESIDENT (Senator Sterle): Before I put the question, I will let everyone in the chamber know that photos are not allowed on the floor of the Senate. The only photos shall be taken from up behind us, the press gallery, just so we're all clear. The question is that the motion moved by Senator Thorpe be agreed to.

The Senate divided. [09:41]

(The Acting Deputy President—Senator Sterle)

Ayes10

Noes27

Majority.....17

AYES

Allman-Payne, P. J.
Pocock, B.
Shoebridge, D.
Whish-Wilson, P. S.

Hanson-Young, S. C.
Pocock, D. W.
Thorpe, L. A. (Teller)

McKim, N. J.
Rice, J. E.
Waters, L. J.

NOES

Askew, W.
Bilyk, C. L.
Duniam, J. R.
Green, N. L.
Henderson, S. M.
O'Neill, D. M.
Pratt, L. C.
Sheldon, A. V.
Stewart, J. N. A.

Ayres, T.
Brockman, W. E.
Farrell, D. E.
Grogan, K.
McAllister, J. R.
Payman, F.
Roberts, M. I.
Smith, M. F.
Urquhart, A. E.

Babet, R.
Chisholm, A.
Gallagher, K. R.
Hanson, P. L.
McCarthy, M.
Polley, H.
Scarr, P. M. (Teller)
Sterle, G.
Walsh, J. C.

Question negatived.

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) (09:44): I move:

That on Wednesday, 6 December 2023—

(a) the hours of meeting be 9 am till adjournment;

(b) subject to paragraph (c), bills be considered under limitations of debate under standing order 142, with time allotted as follows:

(i) Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023—

second reading commencing immediately after the conclusion of the consideration of private senators' bills, for 60 minutes, and

all remaining stages, for 90 minutes

(ii) Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023—

second reading questions to be put immediately after the preceding item, and

all remaining stages, for 30 minutes,

(iii) Identity Verification Services Bill 2023 and Identity Verification Services (Consequential Amendments) Bill 2023—commencing immediately after the preceding item, with the questions on all remaining stages to be put after 30 minutes, and

(iv) Interactive Gambling Amendment (Credit and Other Measures) Bill 2023—questions on all remaining stages to be put immediately after the preceding item;

(c) the arrangements in paragraph (b) be interrupted as necessary to allow the following items of business to take place:

(i) at 1.30 pm, statements pursuant to standing order 57(4),

(ii) at 2 pm, questions,

(iii) motions to take note of answers,

(iv) notices of motion,

(v) petitions,

(vi) postponement and rearrangement of business,

(vii) formal motions—discovery of formal business,

(viii) a proposal under standing order 75 submitted by Senator Hanson or Senator Roberts, and

(ix) a proposal under standing order 75 submitted by Senator David Pocock;

(d) divisions may take place between 12.15 pm and 1.30 pm and after 6.30 pm; and

(e) the Senate adjourn without debate after consideration of the bills to which this order relates is concluded.

And I move:

That the question be now put.

Question agreed to.

The ACTING DEPUTY PRESIDENT (Senator Sterle): The question now is that the motion be agreed to.

Senator ROBERTS (Queensland) (09:45): I ask for the question to be split so that paragraph (b)(iii), referring to the Identity Verification Services Bill 2023 and a related bill, is put separately.

Senator McKIM (Tasmania—Australian Greens Whip) (09:45): I seek leave to make a short statement of no more than one minute.

Leave granted.

Senator McKIM: I won't need the full minute, I believe, and I thank the Senate for its courtesy. I just want to place on the record that, from the Australian Greens' point of view, we do not support the gagging and the rushing through of the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023; nor do we support the gagging and the rushing through of the Identity Verification Services Bill 2023 and the Identity Verification Services (Consequential Amendments) Bill 2023, although we will support the motion on the basis that we do support the other parts of the motion.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Now I will go back to putting the part of the motion referred to by Senator Roberts to the Senate. Would you like to put it again, Senator Roberts, so it's clear for everyone?

Senator ROBERTS (Queensland) (09:46): I want the question to be split so that paragraph (b)(iii) is voted on separately.

The ACTING DEPUTY PRESIDENT (Senator Sterle): That is the question that I will put.

Question agreed to.

The ACTING DEPUTY PRESIDENT: So now I'll put the remaining parts to the floor.

Question agreed to.

The ACTING DEPUTY PRESIDENT: Senator Roberts?

Senator Roberts: Are we going to vote on this motion?

The ACTING DEPUTY PRESIDENT: We just did. The Senate just did.

Senator Roberts: And we voted to split it?

The ACTING DEPUTY PRESIDENT: Yes. And then you lost that.

BILLS

Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "and, following passage of the bill, the following matter be referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report by 14 March 2024:

The operation, effectiveness and implications of the amendments made by the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023".

Senator BROCKMAN (Western Australia) (09:48): In the very short time I've got available to me, I will just recap what we've seen from this government—the chaos, the dysfunction, the complete inability to act decisively on these issues, and the need for guidance from the opposition and particularly from the Leader of the Opposition, who is so experienced in these areas. I will go back to the words of the Minister for Home Affairs who said, on 16 November—not very many days ago—about the previous bill that went through this place, that the opposition 'never wrote laws as tough as this'. Then, a few hours later, they accepted all six amendments presented to them by Peter Dutton, the Leader of the Opposition. Once again, the opposition is having to help the government clean up its own mess—a mess caused by its own indecisive, confused response to the matters before the High Court, and its inability to recognise when it was making its arguments that there was a real risk of High Court decisions in this area and a real risk of a legislative response being required. Instead of acting in the best interests of the Australian people, they chose to bury their heads in the sand and ignore the potential problem. As a result, we've had now weeks of indecisiveness, inaction, confusion, changed positions—'We don't need to legislate,' then suddenly, 'We do need to legislate.' 'The legislation is perfect,' but then, 'We accept six amendments from Peter Dutton.' The confusion, sadly, has put the Australian public at risk. That is a huge indictment of the government and something the Australia people will not forget.

Senator SHOEBRIDGE (New South Wales) (09:50): The Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023 entrenches two classes of citizens in Australia. It's remarkable seeing Labor so comfortable with that. Labor, which traditionally has celebrated being the party of multicultural Australia, is saying to the great bulk of multicultural Australia that their Australian citizenship is worth less than that of many others in this country. The Greens don't believe in two classes of citizen—a class of citizen that the government can move the courts to strip the citizenship of, simply because they have a citizenship of another country, and the rest of Australia. It's offensive to the concept of us all being equal. It's offensive to the concept of a vibrant, dynamic and equal multicultural Australia. To see the Labor Party pushing through this bill with a bunch of opposition amendments that make it even easier to strip people's citizenship off them is a pretty depressing spectacle. In fact, there has been a list of depressing spectacles from Labor in the last two weeks, and this just joins the list of political surrenders from Labor.

I just want to be absolutely clear: the Greens don't support two classes of Australian citizen—a class that can be marginalised, discriminated against and have their citizenship stripped off them by an angry government, which might be responding to a shock jock campaign, and the rest of Australia. In the Greens' view of this country, all citizens are equal and all citizens should have that fundamental right of citizenship. It should not be able to be stripped off them by a vindictive minister who brings an application in a court to strip that citizenship off them.

Labor's defence of this bill is: it's better having a minister bring an application and then a court adjudicating than just having the minister do it all. Well, what about we take a more principled approach, and we just say that Australian citizenship is not there to be stripped, and, if an Australian citizen commits a wrong, then we'll deal with them as an Australian citizen and we won't pretend to deal with people equally while holding the threat of stripping the citizenship off, potentially, millions of Australian citizens who fit into a class of citizen that the coalition thinks is lesser? We just fundamentally reject that, and that's why we reject this bill.

Senator RENNICK (Queensland) (09:53): I rise today to speak on the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023. This is a result of Labor's mismanagement of immigration. This isn't anything new. We saw it under the previous Labor government, under Kevin Rudd, when Chris Bowen was the minister for immigration. We saw over a thousand people die at sea because of Labor's mismanagement of border protection issues. As a result of that, we also saw 50,000 people go through detention facilities. I'm not sure if there are still some of those people there now, but it took almost a decade to reduce that figure to less than a thousand. This causes immense hardship, it causes immense tragedy and, of course, it wastes billions of dollars in taxpayers' funds. With this Labor government, this year we're on track to have almost 600,000. We're currently running at half a million, but we may very well end up in the next 12 months with 600,000 immigrants because Labor will not control the borders.

In relation to the High Court case, there was plenty of warning that the High Court could possibly make the decision that it did make, but what was the Labor Party doing? They were off virtue-signalling about the Voice. It was all feelings and not facts. The great disappointment of the Australian Labor Party under Anthony Albanese is that their first 18 months in government has been all about virtue-signalling and not dealing with the basics of

running a government. It's very easy in opposition to cast slurs and mock people when they actually go into the detail, but, when you're in government, you've got to drill down into the detail. You've got to take the day-to-day concerns of people very, very seriously. Australians take their border protection and law and order very seriously. It is not a joke.

Some of these people who have been released are hardened criminals. It isn't a question of equal rights or anything like that; it is about applying law and order. Already, we've had one particular person involved in sexual allegations, and another person who is a convicted sex offender has been contacting juveniles on social media. That the Labor Party was asleep at the wheel when these people were released just isn't good enough. So we need to amend the legislation to correct the High Court's decision. I'm not sure why and how they come to these decisions. Heaven only knows, but I well remember that the Mabo decision was a 4-3 outcome. It is the highest court in the land, and it was a split decision. That's the problem with the courts. It's all very much based on feelings and not enough logic. I don't know how many times you've seen in the High Court major decisions split down the middle. You've just got to wonder sometimes how such important matters can be so divided amongst supposedly the best legal minds in the country.

I want to make one particular point about this bill. When someone who has a monitoring device removes their monitoring device, there is a carve-out in this particular legislation from treating that as a serious offence. I think that, if anyone is released on parole with a monitoring device, they should have to keep that monitoring device on. If they deliberately remove that device, that should be considered a serious offence. It's not unreasonable, especially when, as I've just pointed out, some of these people have already got convictions and have already engaged in misconduct since they've been released—

Senator McKim: We've got a freedom problem in this country.

Senator RENNICK: Senator McKim, I'll take that interjection because this isn't about freedom. This is about applying law and order.

Senator McKim interjecting—

Senator RENNICK: It is about applying law and order so that Australian people feel safe in their own country.

Senator McKim interjecting—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Resume your seat, Senator Rennick. I do allow a little bit of leeway, but I would ask that senators just be heard in silence. Senator Rennick.

Senator RENNICK: I commend this bill in the hope that it does improve the monitoring and treatment of dangerous detainees in detention and that it makes sure that we uphold law and order in this country and keep Australians safe.

Senator ROBERTS (Queensland) (09:59): As a servant to the people of Queensland and Australia, I say that the Albanese Labor government's response to the High Court's decision of *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* handed down on 8 November 2023 has been a debacle, actually, a dark humour catastrophe threatening Australians. It is clear the government was caught on the hop and totally unprepared for the decision that was openly predicted long before the High Court handed down its decision. The plaintiff's successful argument was based on a mainstream interpretation of the concept of the separation of powers that underpins and is part of our Constitution, the Australian Constitution. This principle, fundamental to the Australian system of government, ensures the power to make and manage laws should be shared between three groups—the parliament, the executive and the judiciary. This avoids one group having all the power. The first three chapters of the Australian Constitution define the parliament, the executive and the judiciary and the roles they each play in making and managing laws in Australia. Each group has its own area of responsibility and each keeps a check on the actions of the others.

The Australian parliament makes and changes the law. It consists of the Governor-General representing the King, the Senate and the House of Representatives. The executive implements the law. It is comprised of the Governor-General representing the King, the Prime Minister, other ministers and members of the Public Service generally. The judiciary interprets, makes judgements and rules on the law, comprising the court system, with the High Court of Australia as the highest court in our system. A feature of the judiciary is that it has the exclusive power to impose penalties or other punitive measures. No other body can impose penalties. The executive does not have this power. This means that even ministers do not have the power to impose punitive measures. The High Court confirmed this interpretation, affirming the separation of powers.

The logical conclusion was that the minister's decisions to detain indefinitely a large number of persons under ministerial direction was predictably struck down as unconstitutional. So what should the government have been doing in the interim? Has this Labor government ever thought of the concept of a plan B? I don't think it has a plan

A. It was highly likely the High Court would apply the concept of the separation of powers. Wasn't it logical that what would follow on would be the release of detainees who had not lawfully been detained? If a law to detain is unlawful *ab initio*—from the beginning—it is as if the law never existed and the detaining would be considered unlawful. I wonder how many lawsuits are being prepared right now, as I speak, against the government for unlawful detention—more taxpayer money flushed down the toilet.

Let's consider what the government did as a response to the High Court decision. Firstly, after the initial stream of expletives, the government tried to put together a knee-jerk response by releasing some detainees under subsequent conditional visas. A condition of some of these visas was the requirement to attach electronic monitoring devices and comply with curfew obligations. Many in the community would consider the obligation to wear monitoring bracelets and to be subject to a corrective services curfew to be punitive. Did the judiciary or executive authorise this action? Did a judge authorise this? Does this all sound familiar? The executive is deciding punishment, again. How enforceable these conditions will be may well come before the High Court. Whether these conditions will be effective in protecting the community remains to be seen. One detainee absconded and was relocated soon after. Another four detainees initially declined to be monitored with bracelets, the number now being two. What other steps are being taken to ensure the safety of people in the community? Already media is reporting considerable fear within the community. We know of at least two assaults due to these people. Surely we're all entitled to live without fear of injury from violent offenders dumped the community without rehabilitation or proper planning.

Some of these detainees are rapists, murderers, a contract killer, paedophiles—the worst scum of humanity unwanted in any country and plopped into our neighbourhoods. Most people, with the exception of the Greens, would be abhorrent to this. The worst of these is Mr Benbrika, a convicted terrorist who planned to murder thousands of Australians at large public gatherings. He will complete his prison sentence shortly and must be considered an undesirable resident of Australia and should be deported. Most people in Australia, apart from the Greens, would consider that true.

I certainly would wish to know what alternatives were considered to prevent circumventing the monitoring devices and committing an offence before action could be taken to intervene. Have victims' families been warned of the offending detainees' release? Amazingly, the latest government bills in this area do not include either compulsory reviews or considerations of the separation of powers principles. They do not. One Nation is placing before the Senate options to consider now that this bill is under consideration.

What's the cost of this government's hopeless management skills? The cost to taxpayers in terms of personal security is shot. The protection of a sound legal system has been abused. And there is an actual dollar cost. Labor has a well-deserved reputation for lousy money management and is now running for cover as its lack of foresight in managing predictable outcomes of poor political solutions emerges yet again. Bring on the next election so that Australians can bring on a better government for all Australians.

What's needed is transparency. In yet another embarrassing response from this lame-duck government, which has never shown leadership and has repeatedly failed to read the mood of the Australian public, how wrong could the Albanese government have been when promoting the catastrophic loss at the recent Voice referendum? It was completely out of touch. It relied on the vibe. It was not good governance.

The Labor government's policies on immigration and home security are woefully inadequate and are contributing to the high costs of living, high interest rates and waste of public funding, and they are now gutting home security. The heightened apparent antisemitism within Middle Eastern immigrant populations is on display for one and all to see. How shameful was the government response to the disgraceful demonstration on the Sydney Opera House steps? How many of the people demonstrating in support of the Hamas terrorists and Palestinian rights could be said to demonstrate or even pass the good character test required for many visas?

The rise of antisemitism, fear and hatred in the community is in many ways the result of a failure to exclude from Australia those who can never accept Australian standards, principles of equality and fairness, and abiding by the law. Letting anybody into Australia without conducting a genuine assessment of suitability is unacceptable. Issuing hundreds of visas to Palestinians without appropriate assessments immediately after the Hamas atrocities in October was a huge folly. There was stupidity, recklessness and irresponsibility.

We are concerned about two aspects of immigration: quantity—the number of people who are let in—and quality. Immigration numbers are currently absurd. One Nation wants to reduce immigration to net zero. That means only enough people being allowed in to equal the number of people who leave. This will reduce inflation, house prices, house rentals and pressure on infrastructure. It's what many people want. Quality of immigration needs to be raised so that only people who comply with Australian laws and fit in with our culture and values are admitted.

Who pays for this government's mismanagement and spin? As always, it is the people—today's Australians and future Australians not yet born—and that's a responsibility of today's government. The government needs to start

with data and facts when developing its policies and legislation and put the needs of Australians first. It needs to get it right for national security.

As senators serving the Australian people, please remember that government has three roles: to protect life, to protect property and to protect freedom. Prime Minister Rudd opened the immigration and refugee floodgates. Pressure from the people and the polls forced him very quickly to reverse his policies, but the damage had been done. The Albanese Labor government has made an art form of blaming the coalition. Now it's becoming a joke. The Albanese slide in the polls looks steeper than the Gillard slide and even the Rudd slide as both previous governments fell into disarray and their leaders were found deficient.

Finally, the Labor government tells us this is a matter of urgency, and it is, yet the Albanese government in charge of the House of Representatives gave itself Monday, Tuesday and Wednesday off. Why didn't it call the House of Representatives back and get on with it? Don't just talk urgency; take urgent action. It's time for Labor to genuinely listen to the views of the community and to act quickly and accordingly to protect Australians and ensure justice.

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (10:09): I was listening to Senator Roberts and reflecting that, over in the House of Representatives, they have gathered today for a condolence resolution for my friend Peta Murphy. She came from one of Melbourne's great multicultural seats. I would very much have looked forward to what she, had she been here, would have said about the questions that have been in front of us yesterday and today and her reflections on those questions. But I'm not in there listening to those condolences today; I'm in here talking about this proposition.

The other thing that I was reflecting upon when listening to Senator Roberts is that I do think that what this debate requires is precision. When it's a debate that goes to questions of citizenship, that goes to questions of multiculturalism, that goes to questions of migration, always, in the short term, the noisiest voices are the voices that are heard. But these debates—particularly when they go to questions of national security, citizenship and a range of these topics—require precision. Some of the loudest voices in this debate have no regard for the impact of their words. I say to people in this chamber: particularly if you aspire to be a party of government, you ought to be, on one side of this debate, keenly aware of the impact of your words. I don't say that to argue to get a soft run. There is politics in this, and it is always legitimate for people to pursue political ends. But those ends ought to stop where the national interest intrudes.

I also say to people who are concerned about this set of questions—and I've listened carefully to what Senator McKim and others have said about these questions—it is very important that there is precision here about what this piece of legislation is about and that we do not make wild claims. Whether it's in relation to the legislation that we dealt with yesterday, as the government dealt with the residual issues that flow from the High Court's decision on NZYQ, or the legislation we're dealing with today, where we are dealing with the questions that follow from the High Court's decision in relation to Benbrika et cetera, we should not conflate those issues with the issues of migration and multiculturalism more broadly and with the issues that go to asylum seekers and Australia's humanitarian program. No good will come of that. What is required here is clarity. What is required here is confidence from Australians that these schemes and the government are operating in the national interest.

I say, perhaps at the risk of being completely ignored, that there is a requirement for precision here. There is a requirement for a sober assessment of the national interest. I accept that there will be differences of views. It is possible to take an approach that's bounded by a philosophical view that ends up colliding with the government's set of objectives. Let's just be precise about what it is that we're talking about, and let's be precise about our language. There should be no conditionality where one group of Australians are told by people in the political system that they are somehow less Australian than others. That is the risk that arises from what Senator Roberts just said. I can tell you, as I move around Sydney's great multicultural suburbs, that there is so much to be defended and to be proud of in our great multicultural traditions.

It is also the case that over the course of the last decade there has been a great victory of form over substance. All of the tough words, all of the hot language and all of the declarations of the national interest—what has the last government left this government with? In both of these areas, they have left us with legislation that has been unconstitutional.

Senator McKim: You supported it all.

Senator AYRES: Senator McKim says that we voted for it. In our view, the responsibility of a party of government is to make sure that we supply the best possible position in the national interest. We did that in opposition. That's why, in the last term of government, we voted for propositions in here and in the House of Representatives in relation to the government's response to COVID and to a series of other issues that we would not have designed ourselves. We see government not as being about T-shirts, memes, slogans, feelings and a post-truth approach to these issues but as actually being about making sure that we're acting in the national interest.

Senator McKim interjecting—

Senator AYRES: You've made a lot of noise, Senator McKim, and achieved very little on these questions. On this question—

Senator McKim interjecting—

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Order! Senator McKim!

Senator AYRES: Senator McKim, if you're interested in our broad migration program and our humanitarian program, your approach is very unhelpful indeed.

What did the last government leave us with? It left us with unconstitutional legislation and a migration program that is broken. The position of many temporary visa workers has left them exposed, which has created problems in our labour market. It did not address the skills and productivity issues in the Australian economy in any serious way. The reason that we are here dealing with these issues is that the then minister for these questions, the now Leader of the Opposition, completely abrogated his responsibility. With the benefit of all of the advice and all of the machinery of government and all of the huffing and puffing that went on in that period, he completely left Australia and Australians exposed.

There was a victory of form over substance on national security, migration and citizenship questions, and that will always be the case with this crowd. They will posture for their friends in One Nation. They will make noise in the daily newspapers and on the radio. They will try to create an illusion that sound and fury and waving your arms around somehow assists in national security terms when what is actually required is a sober approach. It is making careful judgements in the national interest. It is dealing with issues on the basis of facts and on the evidence. It is making cold, clinical judgements that balance the national security questions and the legal and constitutional questions and make sure that we've got a migration and citizenship regime that Australians can be proud of as well as have confidence in, one that deals with the great human rights questions that are engaged here.

Citizenship, in global terms and in the terms in which we deal with citizenship questions, is not a straightforward, immutable concept. In different jurisdictions, different meanings are attached to it. It is a legal construct and an administrative construct, but it is also absolutely vital in national identity terms, in cultural terms, in traditional terms, in historical terms and in community terms. It is, indeed, what binds Australians together, and it has to be a big enough idea in conceptual terms, as well as in legal and administrative terms, that it binds together First Nations Australians, rural and regional Australians, people in our cities, our multicultural communities from wherever they come, new citizens and people who were born here.

What is required here is to make sure that we provide a definition of citizenship and a clarity around these ideas that means, in a national sense, that citizenship is a construct that brings Australians together and improves social cohesion, and this measure is pretty fundamental to that idea, because if you are a dual citizen and you commit a series of offences that break your citizenship tie then citizenship must mean something. But there is a gravity around these questions that ought to be treated seriously and ought not to be the focus of the sort of puerile politics that we've seen on display this week. That does mean getting these measures right.

The legislation that's in front of the Senate today achieves that balance, I think, in a way that Australians can have confidence in. It means there is a proper legal process for dealing with an individual who through their own conduct has severed their connection with Australians. Our nationality and citizenship act has been in place since 1948, only 47 years after Federation. The legislation in place now, the Australian Citizenship Act 2007, is a new iteration of that. Many of us in this chamber, of course, when considering the status of our own citizenship and/or dual citizenship in the run-up to running for preselection or for election to this place, have had to have a close look at the interaction of this set of laws with the laws of other countries and their approach to these questions. So senators and members have more knowledge about the interaction of citizenship of other countries with their own citizenship. Many of us in this room have navigated the travails of making sure that we have only one citizenship in place. But, for the small cohort—people like Mr Benbrika and others—who have committed offences that are described and set out in legislation, I think all Australians would be united in a view that we need a legally robust, defensible citizenship regime that makes sure that, when someone severs the bonds of citizenship with Australia, we have a practical way of dealing with it. I commend the legislation to the Senate.

Senator STERLE (Western Australia) (10:23): I wish to make my contribution to the debate on the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023, but if the Senate could just indulge me—through you, Acting Deputy President—I will note that I have been sitting through the Senate proceedings in the last couple of weeks, when we have been debating this terrible situation that has occurred because of what the High Court dropped on Australia, and I will say, as someone who's been here for a number of years—and I don't look at any senator in particular—that the quality of the debate in this chamber—I'm trying to find words I wouldn't use in my trucking vernacular—is, to say the least, in the sewer when we start talking about immigrants.

I'm not talking about the 148 criminals who were released. I'd have to say that that shocked Australia, and they deserve to be put away. There is no way known I would ever stand here and support paedophiles, rapists and contract killers. Obviously they're locked up for a reason. If anyone thinks they are going to jump up and have a cheap crack, I just want to lay that out. I know this chamber can be animated. A lot of us come here from previous lives where we had a passion in some industry or some form of service. The majority of people in this building and the other building are here for a very good reason: to try to improve the lot of Australians and our future generations. But, when I sat here quietly up the back—and for me to sit quietly is no mean feat, but I sat quietly—and witnessed the screaming, the yelling and some of the performances in front of children in the gallery and the public sitting in the gallery, where there are two fine people sitting now, I could not feel any more embarrassed by the standard of representation of some of our people in this Senate.

We have got some terrible issues going on. I will get to the bill, but I have to get this out. We've seen Russia's illegal invasion of Ukraine. We saw the terrible events in Israel on 7 October and the subsequent loss of life since. None of us sit here and think that it's a good idea to make a mishmash of everything, and then we start talking about cessation of citizenship. One Nation can't help but throw in the Voice argument. They can't help but throw in: 'We've got too many illegal immigrants. We mustn't let anyone else in.' Well, someone who is first generation Australian—some of the members in this parliament have to really seriously look at themselves in the chamber. They need to sit there and think: what image are we portraying to the greater Australian public? Debates and second reading contributions will always be far ranging. It's not a problem. I've heard our leader, the Honourable Senator Penny Wong, our foreign minister and Leader of the Government in the Senate, plead with senators in this room to carefully consider their thoughts and their words.

I have to get that out because, after 18 years—and I can't count how many question times I have sat in here for—I was so embarrassed yesterday, and it was all around citizenship. I really hope that, as we slide into the most wonderful time of the year to be with our families and celebrate Christmas, senators on that side seriously give thought to Senator Wong's words. Carefully measure what you're saying, because everything we do and say in this room and in this building is out there. It's out there on the internet and on social media. I plead with senators to carefully measure their comments.

I want to contribute to this situation that we find ourselves in. As I said, when the High Court dumped this on us a couple of weeks ago, it did shock a lot of us. I also say this. I know the opposition will scream at me and carry on. I'm one of those who believe that, when we're talking about serious issues of national security and what's best for our nation, we should be doing this in the best interests of our nation together. We should absolutely be consulting each other, we should absolutely be listening to different voices and other voices and we should respect the views of others. Unfortunately, there has been a law in place for 20 years, whether we like it or not. It doesn't matter which minister it was. Previously it was Mr Dutton, but there were other ministers before him. We've had this law for 20 years, and the High Court changed it. I know we've sat here late at night trying to get the new laws through, working together. Unfortunately, our opponents see this as an opportunity. I can't honestly say that I'm convinced that it's to improve the quality of people who are coming into this nation but rather to politicise it in social media, to fight us and then, when we put up bills, to vote against us.

So let's say it as it is. You can talk tough. You can have all the 'big man, strong man' rhetoric you want. We inherited bad laws, and they needed to be changed, like the system that we got from the coalition, which was confirmed by the High Court decision on Benbrika—I'm going to say 'Benbrika' because I can't bring myself to say 'Mr Benbrika'; I should be able to, but I can't—on 1 November 2023. There was Alexander on 8 June 2022. Mr Dutton introduced these laws after ignoring multiple warnings from Labor and other legal experts that they were likely to be unconstitutional. It's the case. The warnings were there. In 2019, the now Attorney-General, Mr Dreyfus, warned:

Peter Dutton and Scott Morrison are trying to rush legislation through the parliament that could result in terrorists taking the Australian Government to the High Court and winning.

The Committee heard expert evidence that the proposed legislation was likely unconstitutional, would not survive a High Court challenge, and risked completely destroying the Government's ability to revoke the citizenship of any terrorist.

Hello! Doesn't that sound familiar?

This vanity project, which was designed to make Mr Dutton look like he was tough and standing up, unfortunately has backfired. The High Court has now overturned not one but both of those citizenship laws that we inherited, just as Mr Dreyfus had warned. The High Court's decision means that convicted terrorists like Benbrika never ceased to be Australian citizens under the previous government's laws. He's still an Australian citizen. You've got to do the work. You've got to stand up. You have to be counted. Talking tough, as I said, doesn't keep people safe. Unconstitutional laws do not keep Australians safe.

I just want to touch quickly, while I can, on the current government's record. I want to send this message out loud and clear: Australians can be confident that the Albanese government is doing the work to keep our community safe. That is what we would expect it to do. The Albanese government is committed to cleaning up the mess that was left to us. We have developed new laws. We've developed them carefully and quickly, in consultation with legal experts. Labor's laws will keep people safe because, unlike the previous government, we have listened to the experts and drafted laws that are robust and constitutionally sound. What could possibly be wrong with that? We are restoring a citizenship-loss regime for those who have been convicted of more egregious crimes in our country—I'd just have said 'shocking'—including terrorism, treason, espionage and foreign interference. It sounds like a Hollywood movie.

The purpose of the bill is to amend the Australian Citizenship Act 2007 to repeal the current citizenship cessation provisions, which were found to be invalid by the High Court of Australia in the matters of *Alexander v Minister for Home Affairs* and *Benbrika v Minister for Home Affairs*. The High Court held these provisions were contrary to chapter III of the Constitution, which provides that the judicial power of the Commonwealth will be vested in the courts. The bill will introduce new provisions allowing the minister to make an application to request that a court exercise its powers to make an order to cease a dual citizen's Australian citizenship, where the person has been convicted of a serious offence or offences.

Provisions allowing for the termination of citizenship on terrorism related grounds were first introduced by the Turnbull government, with the support of the opposition, in the Australian Citizenship Amendment (Allegiance to Australia) Act 2015. These provisions were controversial and resulted in an Australian dual citizen automatically ceasing to be an Australian citizen on the basis of certain conduct. In response to a review by the Independent National Security Legislation Monitor, the then Morrison government, with the support of the opposition—being the ALP—passed the Australian Citizenship Amendment (Citizenship Cessation) Act 2020. These amendments replaced the provisions in which Australian citizenship was automatically renounced on the basis of certain conduct with a ministerial-decision model for citizenship cessation. Stakeholders have previously raised substantial concerns regarding citizenship revocation provisions, including that they are not effective in addressing national security concerns, may be contrary to Australia's international law obligations and create a risk of rendering a person stateless.

The opposition has previously indicated that it will support legislation in response to the High Court's judgements, with shadow minister for immigration and citizenship, Mr Dan Tehan, stating that as 'the court has made the decision we now have to make sure that that legislation can now address the problems the courts have created—and we want to do that'.

The only group standing in the way of this important legislation that will protect Australians and make our community safer, unfortunately, is the Greens party, and I, for the life of me, cannot understand why. The bill provides an appropriate mechanism to deal with dual Australian citizens who have committed crimes that are so serious and so significant that they demonstrate the repudiation of their allegiance to Australia. The bill promotes the value and integrity of Australian citizenship and the ongoing commitment to Australia and its shared values, while also contributing to the protection of the Australian community.

Under the bill, the power to make a citizenship cessation order is vested in the courts and is an appropriate exercise of judicial rather than executive power. Having regard to the High Court's decisions in *Alexander* and *Benbrika*, the bill provides that, where a person has been convicted of a specified offence or offences, and the court has decided to sentence that person to a term or terms of imprisonment for those serious offences totalling at least three years, the court may order, as part of the sentence, that the person ceases to be an Australian citizen. The specified offences include terrorist offences, including the offence that applies to terrorist offenders who have breached an extended supervision order or interim supervision order; treason; advocating mutiny; espionage; foreign interference; foreign incursions and recruitment; and certain offences relating to explosives and lethal devices.

To make a citizenship cessation order, the court must be satisfied that the person is aged 14 years or older and is an Australian citizen. The court must also be satisfied that the conduct to which the conviction or convictions relate is so serious and significant that it demonstrates that they have repudiated their allegiance to Australia. On that, I commend the bill to the Senate.

Senator RUSTON (South Australia—Manager of Opposition Business in the Senate) (10:39): I'm standing to speak to the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023. What are we seeing here today? We're seeing a bill again being brought into this place, as we saw yesterday with a bill being brought into this place, that continues to highlight the fact that this government was asleep at the wheel when it came to protecting Australians—completely asleep at the wheel. Whilst the opposition is more than happy to facilitate the passage of legislation that will assist in making sure that Australians are kept safer, I think that the Australian public needs to be really aware of the fact that much of this didn't need to happen in the way that it's happened. If we actually had

a government that was in control of the situation, we would have had this done well before the decision of the High Court in the NZYQ case came down, which has now facilitated the need for this particular legislation to occur.

On 8 June 2022 the majority of the High Court of Australia invalidated the ability of the Minister for Home Affairs under the Citizenship Act to determine that a dual national who had engaged in terrorism related activity or conduct is no longer an Australian citizen. It had pretty significant implications for the government and the ability of the government to be able to revoke the citizenship of a dual national who had been alleged to have engaged in terrorism activity. We're not talking about some small, insignificant breach of Australian law. We're talking about terrorism related conduct. If the government had actually acted more quickly at the time and responded to the decisions, then we would not be standing here today, with this continuing some 17 to 18 months later, having this conversation. I think a lot of what we're talking about today actually points to the credibility of the government to actually be able to govern this country.

If you look at the Minister for Home Affairs and the Minister for Immigration, Citizenship and Multicultural Affairs, they have both been caught flat-footed when it comes to issues of citizenship, which we're discussing today, and in terms of migration and, particularly, the continuing, ongoing detention of somebody who presents a significant safety risk to the Australian public. A government's first responsibility is always to its own people and its own nation. Whilst this extraordinary situation has been playing out, we have seen the Prime Minister spending more of his time overseas than in this country. He's got a couple of ministers that have shown a level of incompetence that is almost eye watering, yet he's left them here.

Over the previous few days we've seen a number of instances where people who have been let out of detention, and we now know from the decisions and the ruling from the High Court that they did not need to have been let out of detention, because the ruling of the High Court related only to NZYQ and the specifics of that particular case. There have been over 140 detainees with various previous convictions let out into the community, from rapists and paedophiles to murderers and even a contract killer. It's just extraordinary. We've seen that all happen when it actually didn't need to happen. We've seen two ministers showing great incompetence, but, at the same time, we've got a Prime Minister who seems to think that it's more important for him to be overseas on the international stage than actually being in the country and making sure that the people that he has delegated responsibility to, to keep Australians safe in regard to immigration and home affairs, are actually doing their job of keeping Australians safe. Clearly over the last few days we have seen that that has not been the case.

As I said, whilst the opposition is going to support actions that are taken that are going to toughen the laws in Australia around making sure that Australians are able to be kept safe, particularly from some of the most unsavoury characters that you could possibly imagine, we still stand here today with a great inadequacy in the response that the government has provided. We see people talking about Benbrika. This doesn't even impact Benbrika, because of the inability to draft things from a retrospective perspective. I condemn the government for their lack of action, but we will be supporting this bill. (*Time expired*)

Senator O'NEILL (New South Wales) (10:44): I want to take this opportunity, since this is the first time I have risen to speak since the passing of the member for Dunkley, to acknowledge the profound contribution, the amazing mind and the generous heart of Peta Murphy to the best interests of this nation.

I address the matters before us. I note that at the end of her contribution Senator Ruston indicated support for this legislation but you'd never ever know it from the deeply personal attack that preceded her exception to the reality that this legislation is good legislation and of sufficient goodness that, despite all of the clamouring, all of the loudness, all of the screeching and carry on that we have seen, it is coming before this parliament and it is going to be supported.

Why are we in this situation? I just want to counter one absolutely false claim that has been repeated here again by Senator Ruston, who really should know better. Having gone through the robodebt debacle, which absolutely revealed the moral deficits of the former government, Senator Ruston should well and truly know the value of telling the truth in this place, especially this place where the laws of the nation are made. Governments are required to abide by the law. When Senator Ruston makes the false claim that the matter of NZYQ was a matter that related to a single individual, that is absolutely and totally incorrect.

When the High Court makes a decision and hands down that decision, the government of the day, whatever colour it may be, is required to accept that decision of the High Court. If we don't, we descend into anarchy. The law is the law. The courts make the law. The government is required to abide by the law. All of us, whether it's Senator Ruston, the government, the Liberal Party, the National Party, even members of the crossbench—the Greens, One Nation, the Jacqui Lambie Network, Senator Van, Senator Thorpe, Senator Babet—are on a unity ticket to prevent rapists, murderers, contract killers, paedophiles. There is not a single person in this building, there is not a single decent Australian that wants these people out, but every Australian and every government that accedes to the way the law

works in this country would have to deal with the fact that the people who are in the same situation as NZYQ had to be released, and that is why this careful, considered legislation that the opposition is going to support, because it is the best response to the reality that we confront, should be passed today. The mischief making, the misinformation that has so characterised the public commentary of the opposition needs to stop in the national interest. *(Time expired)*

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (10:48): I seek leave to move an amendment to the second reading amendment previously moved by Senator Cash. For those trying to follow the debate, the second reading amendment circulated by Senator Cash essentially seeks to refer the bill in its entirety to the Parliament Joint Committee on Intelligence and Security. I might point out that my understanding is that the Senate earlier this week moved a motion to that effect, so the Senate has already moved and passed a motion referring this bill to the parliamentary joint committee. My amendment not only seeks to move the bill in the form that it's been introduced but also seeks to refer any amendments to the bill which have been circulated, including of course those amendments that the opposition has circulated. Would it be appropriate for me to talk to that now?

The DEPUTY PRESIDENT: You don't talk to it now.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Senator Cash, are you seeking clarification?

Senator Cash: I am. Are you seeking leave to move your amendment? We're denying leave.

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (10:50): Pursuant to contingent notice, I move:

That so much of standing orders be suspended as to enable me to move a motion in relation to an amendment to the second reading amendment.

And I move:

That the question be now put.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): For clarity, this is the procedural motion being put. *A division having been called and the bells having rung—*

The PRESIDENT: The question is—Senator Wong?

Senator Wong: I'm going to ask you to make a ruling, President. The advice from the Deputy Clerk is that 39 votes are required because there is no relevant contingent notice. We dispute that and we have asked for the Clerk to attend to—I appreciate that that's the Deputy Clerk's advice. I've asked for the Clerk to attend in order to consider that, because we will ask the President to rule on this. I'm in the Senate's hands. We can vote, but the effect of that will obviously depend on whether or not the 39 requirement is required.

The PRESIDENT: My view is that we proceed with the count. That gives me the opportunity then to seek full advice.

The question is that the question be put.

The Senate divided. [10:55]

(The President—Senator Lines)

Ayes30
Noes26
Majority.....4

AYES

Allman-Payne, P. J.
Chisholm, A.
Grogan, K.
McAllister, J. R.
O'Neill, D. M.
Pocock, D. W.
Rice, J. E.
Smith, M. F.
Urquhart, A. E. (Teller)
Watt, M. P.

Ayres, T.
Farrell, D. E.
Hanson-Young, S. C.
McCarthy, M.
Payman, F.
Polley, H.
Sheldon, A. V.
Sterle, G.
Walsh, J. C.
Whish-Wilson, P. S.

Bilyk, C. L.
Green, N. L.
Lines, S.
McKim, N. J.
Pocock, B.
Pratt, L. C.
Shoebridge, D.
Stewart, J. N. A.
Waters, L. J.
Wong, P.

NOES

Antic, A.	Askew, W.	Babet, R.
Brockman, W. E.	Cadell, R.	Canavan, M. J.
Cash, M. C.	Chandler, C.	Colbeck, R. M.
Davey, P. M.	Duniam, J. R.	Hanson, P. L.
Henderson, S. M.	Hughes, H. A.	Hume, J.
Kovacic, M.	Liddle, K. J.	McKenzie, B.
McLachlan, A. L.	O'Sullivan, M. A. (Teller)	Rennick, G.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Sharma, D. N.	Smith, D. A.	

Question agreed to.

The PRESIDENT (11:05): The motion is that the motion moved by Senator Wong, to suspend standing orders, be agreed to.

The Senate divided. [11:05]

(The President—Senator Lines)

Ayes31
 Noes28
 Majority.....3

AYES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lines, S.	McAllister, J. R.	McCarthy, M.
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.	Sterle, G.
Stewart, J. N. A.	Urquhart, A. E. (Teller)	Walsh, J. C.
Waters, L. J.	Watt, M. P.	Whish-Wilson, P. S.
Wong, P.		

NOES

Antic, A.	Askew, W.	Babet, R.
Birmingham, S. J.	Brockman, W. E.	Cadell, R.
Canavan, M. J.	Cash, M. C.	Chandler, C.
Colbeck, R. M.	Davey, P. M.	Duniam, J. R.
Hanson, P. L.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacic, M.	Liddle, K. J.
McKenzie, B.	McLachlan, A. L.	O'Sullivan, M. A. (Teller)
Rennick, G.	Reynolds, L. K.	Roberts, M. I.
Ruston, A.	Sharma, D. N.	Smith, D. A.
Van, D. A.		

The PRESIDENT (11:07): There being 31 ayes and 28 noes, there is not an absolute majority of the whole number of senators in favour of the motion, as required by standing order 209. The question is resolved in the negative. The question now is that the second reading amendment moved by Senator Chandler be agreed to.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (11:07): In relation to the amendment in the name of Senator Paterson, moved by Senator Chandler, I seek leave to withdraw the amendment on the basis that the Senate has already agreed to this.

Leave not granted.

Question agreed to.

Original question, as amended, agreed to.

Bill read a second time.

COMMITTEES

Intelligence and Security Joint Committee

Reference

Pursuant to the order of the Senate agreed to on 4 December, the following matter in relation to the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023 stands referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report by 14 March 2024: the operation, effectiveness and implications of the amendments made by the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023.

BILLS

Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023

In Committee

Bill—by leave—taken as a whole.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (11:09): We've obviously now moved into the committee stage of the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023. I want to respond to a number of points that have been made to date to ensure the Senate understands what we are actually dealing with versus what a number of government members say we are dealing with.

The first issue is that Senator Sterle made a number of comments in his second reading contribution which, I would put to Senator Sterle, are actually wrong. What Mr Dreyfus warned about wasn't the thing that the High Court actually addressed. Of course, we don't want to let facts get in the way of what is good rhetoric. In fact, the measure that the High Court had a problem with, which was citizenship cessation by ministerial decision, was the one that Mr Dreyfus had himself welcomed. Senator Sterle also said—and we'll explore this during the committee stage—that the government had moved 'quickly and carefully'. I would defy anybody to say that 18 months—because that's what it's taken for this government to actually bring this legislation before the parliament, and we'll explore why the legislation is important—is quickly and carefully, unless, of course, you are a member of the Albanese Labor government and you believe taking 18 months to do something that is urgent is, in Labor's terms, moving quickly and carefully. Maybe it is. Maybe I am verballing Senator Sterle. Maybe he genuinely does believe, on behalf of the Albanese Labor government, that when something is urgent—and we'll go through the urgency shortly—the Labor Party taking 18 months to act on it is moving quickly. I, personally, am going to dispute that.

It was in June 2022 that the Alexander decision was handed down. June 2022: the Labor government is in power, Mr Albanese has been elected as Prime Minister, and the Alexander decision is brought down by the High Court. Everybody knows what the result of that decision is. Eighteen months later—because that is where we are—and it is December, we're heading towards Christmas 2023 and Senator Sterle believes that the Australian Labor Party, under Mr Albanese, has moved quickly and carefully. I would put to the Australian people that perhaps, by that measure—an 18-month turnaround—if the Australian Labor Party wanted to respond to something happening today, they'd bring it forward in the next parliament.

Let us also, though, make some comments in relation to why this bill is before the Senate. I want to remind those opposite of the provisions that were invalidated in the Benbrika decision—and similarly in the Alexander decision, which I just referred to, almost 18 months ago. You would think from the comments made by the Australian Labor Party that they actually opposed them. But, you see, the provisions that were invalidated by the High Court of Australia were not only bipartisan—in political terms, bipartisan means agreed between the two parties of government: the coalition and the Australian Labor Party—they were expressly welcomed by the Australian Labor Party. The provisions that were knocked out by the High Court were sections 36B and 36D of the Australian Citizenship Amendment (Citizenship Cessation) Act 2020. The reason they were knocked out was that they operated to allow the removal of a person's citizenship by ministerial decision rather than by the courts. We're going to hear a lot of rhetoric over the next 85 minutes from the Australian Labor Party. Let's just put the facts on the record so the public can distil the rhetoric that we're going to hear from the actual facts.

Here is what the Labor members of the Parliamentary Joint Committee on Intelligence and Security, the PJCIS, led by the current Attorney-General, Mr Dreyfus, said at the time in their additional comments on the PJCIS report: 'Labor members welcome the move to a ministerial decision-making model of citizenship cessation.' So it was not only bipartisan but also expressly welcomed by the Australian Labor Party. As I said, that was from the PJCIS members led by—you would not believe it given the statements he's currently making—the current Attorney-General. Here's another quote:

Fortunately, the move to a ministerial decision-making model of citizenship cessation will provide the Government with the flexibility to better manage the risk of potential adverse security outcomes (e.g. the Minister could decide not to cancel a person's citizenship where the cancellation would increase the risk the person poses to Australians overseas, or where citizenship cancellation would seriously damage Australia's international relations).

Again, that was Labor members of the PJCIS, led by the current Attorney-General. Again, that's bipartisanship—two parties of government working together and expressly welcoming these changes.

In his second reading speech on the Australian Citizenship Amendment (Citizenship Cessation) Bill, the then shadow Attorney-General described Labor as—I quote because we're going to hear a lot of rhetoric from the other side, so let's just put the facts on the table—'fully supporting the move to a ministerial decision-making model'. Of course, the thing that the Australian Labor Party fully supported was precisely the thing that was later found to be invalid by the High Court when it knocked out sections 36B and 36D on the basis that they 'repose in the Minister for Home Affairs the exclusively judicial function of punishing criminal guilt, contrary to chapter 3 of the Constitution'.

The truth is that the model that was found to be invalid by the High Court was developed and supported on a bipartisan basis—the coalition in government working with the then opposition, the Australian Labor Party—over a number of years. It didn't happen overnight. This was bipartisanship when it came to national security, through multiple inquiries by the PJCIS, to ensure that the privileges of Australian citizenship could be revoked in appropriate circumstances. Over the next 80 minutes, we are going to hear a lot of rhetoric coming from the government, but let us be very clear for the *Hansard* record and for those listening in: what was knocked out by the High Court had been worked on for years in a bipartisan manner and was expressly welcomed by the then shadow Attorney-General and Labor members in their report in the PJCIS inquiry. To come in here, as they have been doing in the media and as they will shortly do here, and purport that the thing found invalid was something other than a product of a shared process is base politics and nothing more and is disingenuous in the extreme.

For the *Hansard* record, and so that people understand what occurred: the Australian Senate—in other words, the people here—had already agreed to refer the operational effectiveness and implications of the amendments made by the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023 to the PJCIS. Labor clearly forgot that because they still wanted me to move my amendment. I don't know why. Perhaps they have short memories. The Senate had already agreed to do that. On the basis that the Senate had already agreed to do that, it would appear to be irrelevant, in fact superfluous, to again move a second reading amendment to require the Senate to do what the Senate had already voted to do. But the Australian Labor Party work in very strange ways. Let's leave it to their confusion and nothing more as to why they forgot that the Australian Senate had already agreed to do that.

My question to the minister is: when were drafting instructions for this current bill first submitted to the Office of Parliamentary Counsel?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (11:21): The answer I can give you is the same as the one I gave you yesterday for a similar question. I will need to take on notice the exact date that those drafting instructions were first issued to the Office of Parliamentary Counsel. What I can say to you is that, like yesterday, policy design work on these matters commenced around the time of the Alexander decision. Work has been underway for some period of time on this. It wasn't until the Benbrika decision was handed down that a full explanation was provided by the High Court that would enable the drafting of a bill that was constitutionally sound. I am advised that policy design work on what became this bill commenced pretty much immediately after the Alexander decision.

While I'm on my feet, I might take the opportunity to explain a little bit more about the amendments that are being put forward in this bill today, because they go to the concept of Australian citizenship. In 2022 over 190,000 people became Australian citizens by conferral, joining our community and swearing allegiance to our country and our common values. Citizenship is not a passive process. It is a formal commitment to our country and the values that uniquely define all of us as Australians. It is a privilege cherished by those who are born into it and those who choose it. Australian citizenship is a common bond involving reciprocal rights and obligations between the citizen and the state. These reciprocal rights and obligations require active maintenance both from the citizen and from the state, regardless of how a citizen acquired their citizenship.

Citizens voluntarily engaging in serious and significant conduct, such as treason, advocating mutiny and fighting for foreign states, fail to meet the obligations of their Australian citizenship. By working against the interests and common values of Australia, they have demonstrated that they, as individuals, do not have allegiance to Australia. The common bond of citizenship has been broken, and it is appropriate for a framework to exist to formally cease these individuals' Australian citizenship.

In 2015 the parliament recognised that a citizen could repudiate their allegiance to Australia and break this common bond by committing terrorist acts or leaving Australia to join terrorist groups overseas, when the parliament

introduced the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. The parliament's intention was confirmed when the provisions were reformed in 2020. This is really where the story of today's legislation begins.

I can understand that people who may be following this debate might be a little bit confused about the different concepts that are being dealt with, today and yesterday. Yesterday, of course, what we dealt with was the matter of noncitizens who were in immigration detention, who have had to be released as a result of a High Court decision. Today is a separate concept. Today is about ensuring that we have constitutional laws—laws that are legal—to strip the citizenship of people who have Australian citizenship but have committed acts or serious offences that demonstrate they do not have the allegiance to Australia and our values that citizenship involves.

Another way of describing what we're doing today is fixing yet another mess from Mr Dutton, as the former Minister for Home Affairs in this country. I mentioned in the debate yesterday the separate legislation dealing with the noncitizens who have had to be released into the community. I mentioned yesterday that the only reason we were having the debate yesterday was that this government and this parliament is now required to fix a number of serious failures from Mr Dutton in his role as Minister for Home Affairs in the former government. The failures most egregiously involved the fact that the regime for the detention of noncitizens that Mr Dutton implemented as the minister was found to be unconstitutional by the High Court—aka not legal. The fundamental reason for that was that the system Mr Dutton had in place gave the power to the minister rather than a court to order the indefinite detention of one of those noncitizens. It was the giving of the power to the minister rather than a court that the High Court found to be unconstitutional.

That wasn't the only failure from Mr Dutton that led us having that debate yesterday and having to pass legislation yesterday in relation to those noncitizens in detention. He also, of course, personally intervened to allow a visa to be granted to the plaintiff in the NZYQ case. That person wouldn't have been in Australia and wouldn't have been in detention if Mr Dutton hadn't personally intervened, as the minister, to grant that individual a visa. Of course, what we also know is that Mr Dutton was either unable or unwilling to negotiate resettlement arrangements to resettle in other countries any of the 147 people who have now been released into the community. The whole foundation of why we had that debate yesterday and passed those laws yesterday is a series of failures from Mr Dutton as the minister: no resettlement deals, intervening to grant a visa to the plaintiff in the case and, of course, presiding over an unconstitutional system.

In case people are feeling a sense of *deja vu* as they're listening to the debate today: that's because you are. What we're doing today is again fixing unconstitutional laws that were introduced and presided over by Mr Dutton as the home affairs minister. We've had a situation over the last few weeks where Mr Dutton, Senator Cash and the coalition have tried to lay blame at the feet of the Albanese government and have played politics with these matters. The only reason we are having these debates, the only reason we are introducing these pieces of legislation, is a series of failures of Mr Dutton and the coalition during their time in office. They were never concerned with whether laws were constitutional. They were never concerned with whether laws were legal. Have a look at *robodebt*: a cruel and illegal system presided over by the Morrison government. But it wasn't just social security matters where the Morrison government and Mr Dutton acted illegally and acted outside the bounds of the law; they also did it in relation to immigration matters. That's why we are here today fixing up this mess.

Just like the debate we had yesterday, what we're dealing with today is fixing laws that were unconstitutional, unlawful and brought into this parliament by Mr Dutton as the home affairs minister. Again, over those years where we saw Mr Dutton as the home affairs minister, there was lots of tough talk. I said on the weekend that he's like one of those boxers who goes around in the days leading up to a fight talking about how tough he is and how he will knock the other guy out, but he gets in the ring and he's a lightweight—because his laws don't stand up. His laws were unconstitutional, and they were struck down by the High Court. That is why we are here today. That is why we should also be highly cautious about any amendments proposed by the opposition, when they have a track record of drafting laws in this space which are unconstitutional. We'll no doubt have a discussion about those amendments at some point through this committee stage, but we should be extremely cautious of taking the advice and taking the amendments of people who actually presided over the very unconstitutional laws that we are dealing with now. That is why this government has said that those amendments should be considered by the Parliamentary Joint Committee on Intelligence and Security to ensure that they're constitutional. The very worst thing that we could do right now is, for the sake of scoring some political points and getting some good runs in some media outlets, to introduce new laws that are as unconstitutional as the last ones Mr Dutton introduced, and the ones before that that he and his government introduced as well.

What we, the Albanese government, want to do is put in place serious, tough laws that actually work, that stand up in court and that make sure the government can make applications to a court to seek the stripping of citizenship from people who commit very serious offences—not just any offences but offences that go to their lack of allegiance

to this country and our values; offences like treason, advocating mutiny and fighting for foreign states. Provided we draft these laws in a way that gives the power to strip citizenship for those types of matters to a court, we are confident that they are constitutional.

To expand those powers further to cover a range of other offences that are unrelated to things like treason, mutiny and allegiance to a country—to expand the laws to try to capture those types of offences—risks again having unconstitutional laws penned by Mr Dutton and the coalition and does so only to score political points. We are confident that the legislation that we're putting forward is constitutional, and I call on all parties in the chamber to support it. (*Time expired*)

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (11:31): I have a number of questions that I want to get through, but unfortunately I fear we're just going to get a lot of rhetoric from the minister yet again. I know Mr Dreyfus is out there holding a press conference now and making all sorts of excuses as to why the government has failed to act to date. He is making all sorts of excuses in relation to the release of the detainees.

I said we were going to hear a lot of rhetoric from the minister, and in his first 10-minute contribution that was proven to be true. These are obviously the Labor talking points, though, because they would appear to back in the rhetoric that the Attorney-General is currently saying to the media. Both the minister and the Attorney-General are putting this to the Australian people, and I will quote from what Mr Dreyfus is saying:

Both of the citizenship loss provisions introduced by Mr Dutton and the Coalition when in government, were struck down by the High Court.

The issue I have with that is this: Mr Dreyfus clearly has a very short memory. Perhaps the press would like to put to Mr Dreyfus: does he stand by the comments that he made when he and the Labor members of the PJCIS—and remember, as I said, the PJCIS at that time was led by the current Attorney-General. This is what they said in relation to the laws that we are discussing today, which were looked at by the PJCIS at the time, were worked on in a bipartisan manner—in other words, by both parties of government, the Australian Labor Party and the coalition—and were passed in a bipartisan manner. So, whilst Mr Dreyfus is out there saying one thing to the press, perhaps the press would like to quote back to Mr Dreyfus and ask him if he stands by the comments that he made when he was a member of the PJCIS.

In fact, it was led by him, as I said. This is what Mr Dreyfus said at the time:

Labor members welcome the move to a ministerial decision-making model of citizenship cessation.

Has Mr Dreyfus now decided that he put the wrong comments in the PJCIS report? They also said this:

Fortunately, the move to a ministerial decision-making model of citizenship cessation will provide the Government with the flexibility to better manage the risk of potential adverse security outcomes (e.g. the Minister could decide not to cancel a person's citizenship where the cancellation would increase the risk the person poses to Australians overseas, or where citizenship cancellation would seriously damage Australia's international relations).

Now, again, perhaps the press would like to put to Mr Dreyfus whether or not he stands by the comments he made in his second reading speech on the citizenship cessation bill, because you see, Mr Dreyfus, when he was shadow Attorney-General, described Labor as—and again, I think the press should put this to Dreyfus, if they're still asking him questions: does he stand by the comments he made in the second reading speech on the citizenship cessation bill, when he was the shadow Attorney-General, when he described the Australian Labor Party as fully supporting the move to a ministerial discretion decision-making model? I'm getting a little concerned. Did Mr Dreyfus actually mean this at the time? Again, he was the leader of PJCIS; he backed in, in a bipartisan manner, what the High Court has now struck down. In fact, he not only backed it in—as I said, they might have to put to him: 'You expressly welcomed it. Was that not true at the time?'

You also committed the Australian Labor Party, and you said that they fully supported the move to a ministerial discretion decision-making model. Now, you did fully support it at the time, because that's what you said. So I'm going to work on the basis that, at the time, the shadow Attorney-General and the Australian Labor Party actually were true to their words. They actually did work with us in a bipartisan manner. They actually did agree to the citizenship cessation bill. They stood by the move to a ministerial decision-making model of citizenship cessation. And I have to say: the only thing they can be doing at the moment is playing politics—playing politics, by saying that this is Peter Dutton, as the Leader of the Opposition, because, from what I can see, Mr Dreyfus, when he was the shadow Attorney-General, worked with us. This was bipartisan, as I said.

Now, the other thing I've just got to remind the chamber about is this. As I said, we're going to get rhetoric from the minister. I'd say I was disappointed, but I have to say I'd be disappointed if the minister didn't provide me with rhetoric. But the minister also made comment in relation to the NZYQ case. Again, I addressed this issue yesterday.

But, unfortunately, the minister has, yet again, not actually said it as it was. So let's just have a look at what actually occurred in relation to NZYQ.

Despite what the minister has said, it's false to suggest that Mr Dutton intervened to grant NZYQ a visa—it's actually false; it doesn't matter how many times you say it, that doesn't change the fact that it's false. You can continue to say it, but it doesn't actually change the fact that it is false.

NZYQ would not be in Australia were it not for Labor's failed border protection policies. It was a terrible time in the lives of so many, because they allowed 50,000 arrivals on more than 800 boats. As I said yesterday, Labor are either playing politics with their rhetoric or they actually don't understand the immigration law, which is probably more to the point.

What actually did happen? What did Mr Dutton actually do, by operation of law? Well, he allowed a process to take place where those who arrived under Labor—the 50,000 illegal maritime arrivals; again, as I said, it was a terrible time for all, with 1,200 dead at sea and thousands of children in detention, under the former Rudd-Gillard-Rudd governments—could apply to have their claims for protection assessed by the Department of Home Affairs, immigration and border protection. There was no intervention—again, just rhetoric, misleading the Australian public. And no visa was ever granted to this individual. So, again, as I said, never let a fact get in the way of good rhetoric. This is politics. I'm prepared to accept that that is how the Australian Labor Party operate, but I just want to be clear that, every time they stand up here today and say, 'The Leader of the Opposition when in government did this,' and 'The Leader of the Opposition when in government did that,' I am going to stand here and re-read out the facts. I am going to re-read out the facts so that the Australian people who are listening or who may one day read *Hansard* understand that they are being sold a pup by the current Labor Albanese government. As I said, Mr Dreyfus is out there giving a press conference. The press should actually say to him: 'Do you stand by what you said when you led PJCIS? Do you stand by what you said when you were the shadow Attorney-General, when you welcomed, in a bipartisan manner, the laws that we are currently debating?'

Minister, I appreciate you've taken on notice the drafting instructions. Could you also take on notice on what date drafting actually commenced? You've referred to both the Benbrika case and the Alexander case, which was handed down in June of last year. Why was the legislation not ready when the decision in the Alexander case was handed down in June of last year?

Senator McKIM (Tasmania—Australian Greens Whip) (11:41): I want to take this opportunity to place a few matters clearly on the record. Firstly, obviously, as I've previously said, the Australian Greens oppose this legislation, and we'll give expression to that position by voting against the bill on the third reading. Secondly, it's important that folks listening to this debate understand that both Senator Cash and Senator Watt are spinning like yo-yos in relation to the claims that they are making. Let's be very clear about who is culpable for the laws that were struck down by the High Court. Both of them are culpable because both of them voted for those laws. And they voted for those laws in the face of warnings from the Australian Greens that they were unconstitutional. That is what happened.

This blame game that is now playing out across the chamber, where Senator Cash is attempting to blame the Australian Labor Party, and Senator Watt is attempting to blame the LNP, is simply pure spin. The only people in this chamber who are not responsible for the mess that we find ourselves in are the Australian Greens, because we are the only people who voted against the laws that the High Court found were unconstitutional. As part of our rationale for voting against those laws, we stated that it was likely that they would be found to be unconstitutional. Those are the actual facts, as opposed to what is claimed to be fact by Senator Cash and Senator Watt.

I am rarely on a unity ticket with Senator Cash, it has to be said, but she is right when she speaks about the bipartisanship that has existed on this issue. That, in our submission to the Australian people, is a large part of the problem. We see, time after time, a bipartisan race to the bottom on immigration policy in Australia, on refugee policy in Australia, on policy that relates to people who seek asylum in Australia. Unfortunately and tragically for thousands of people, we know where this race to the bottom ends. It ends in a dark place for our country. It ends in refugees and people seeking asylum and migrants being demonised in Australia. It leads to them being brutalised either here in Australia or in places like Manus Island and Nauru. It leads to the creation of two separate classes of people in Australia based on people's citizenship status or visa status.

We hear Senator Cash urging the Senate to consider facts, when in fact what we have been facing over this broad debate over the last few weeks on a range of issues, including but not limited to the citizenship legislation we are currently debating and also including but not limited to the government's response to the recent High Court case which effectively rendered indefinite immigration detention illegal in this country, is a confected emergency created by the Leader of the Opposition, Mr Dutton, and the barefaced lie promulgated by the opposition that all of the people within the scope of the recent High Court decision are somehow hardened criminals, when in fact that is

simply untrue. They have been so successful in repeating that propaganda over and over again, despite its baselessness and its fundamental untruth, that now we have Labor members repeating it as if it were true and we have people in the media repeating it as if it were true. Talk about a post-truth world that we are living in at the moment!

The facts of the matter are that many of the people caught within the scope of the High Court's decision have never been convicted of a crime in their lives and yet they are still being bound up in this race to the bottom, engaged in on a bipartisan basis, as has happened in this country since the MV *Tampa* appeared nearly a quarter of a century ago. It's this bipartisan competition to demonise and brutalise migrants, refugees and people seeking asylum in Australia. The truth has gone out the window, as it has gone out the window before. Do we remember children overboard? Do we remember that? Remember how Australians believed that people who were seeking asylum in Australia threw their children overboard, and it turned out to be a big fat lie. Do you remember that? The truth goes out the window. Mr Dutton's thrown it out the window in this debate and the Labor Party have capitulated in the most craven way, as they always do. We have walked down this path many times before and, tragically, we're going to walk down it many times again in the future. I confidently predict that. It is a dark and dangerous path that this country and this parliament walks down all too frequently.

I want to place very clearly on the record that there are a range of concerns the Greens have with this legislation. Fundamentally, what this does is create two classes of people before the law in Australia based on people's citizenship status. It creates one body of law for people who are sole nationals and it creates a completely separate body of law for those who hold citizenship in more than one country. It basically says, 'If you hold citizenship in more than one country, we're going to snatch your Australian citizenship away or at least provide the power for the courts to do so in certain circumstances.'

Citizenship is one of the most fundamental rights that a person can hold. It effectively gives you right of entry to a country and right of residence in a country and it entitles you to the rights of all other citizens in that country. Taking it away, if it is to be done, ought to be done in the most careful and considered way. But here we find ourselves again taking away rights or severely curtailing rights—as we found ourselves doing yesterday on another fundamental human right, the right to liberty—with a bill being gagged in this place with that bipartisan lockstep from the major parties. We get 90 minutes today. How astoundingly generous! We got less than that yesterday to consider 70 pages of amendments and an explanatory memorandum of somewhere around 150 pages that was so weighty it literally had to be bound into a book to be put before senators. We were expected to debate those amendments in less time than we're getting for this bill today. On this bill, we are getting 90 minutes. This will be, I have no doubt, my only opportunity to make a contribution in the committee stage of this bill.

The Greens will, as we have in the past, proudly stand up against this erosion of fundamental rights in this country. In this case, it is the right to citizenship; yesterday, it was the right to liberty. We will stand up for a fair, decent and humane immigration system that treats refugees, people seeking asylum and migrants with the respect that they deserve, and we will hold out against this dark path that is being trodden by the major parties in this place.

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (11:51): I want to add my comments to this. Firstly, I will go to the minister's response in blaming the Liberal Party and especially Mr Dutton for the way this has all come about. Over the years we have had illegals going back to John Howard with the *Tampa*, and then with Rudd there were 50,000 people that wanted to come out to Australia—boat people, illegals, those seeking refugee status in Australia basically for economic reasons, not really because they were refugees. We saw 1,200 people die because of it. This has been a real problem in our country.

But I will go to the person in question here who we are speaking about in the chamber, NZYQ, and why Minister Watt is saying, 'We're cleaning up the mess of the Liberals.' I was in this chamber when we actually dealt with a lot of these issues and I remember there was bipartisanship. I agreed with this legislation as well and I saw Labor agree with this. What we were trying to do was make Australia a safe place because we didn't know the character of these people, who they were and whether they were former criminals from other countries. We didn't know. So we passed laws that were basically to look after the security of the nation. Labor were there. They voted every time. They supported this. I didn't hear them stand up and make comments about 'constitutional' and 'unconstitutional' or whatever. They didn't. They went along with the consensus of the time, the way the public were going and whichever way the wind was blowing. They knew they couldn't do any different but go along with it, which they did. It galls me to hear this comment now blaming Peter Dutton for this.

Also, NZYQ came into this country under the Labor Party because they lost control of the borders. They were warned about this. We had sovereign nation—

Senator Watt: To try to be helpful, Senator Hanson, the bill—

The TEMPORARY CHAIR (Senator Hughes): Minister, what's the point of order?

Senator Watt: It's on relevance. The bill we're dealing with is not about NZYQ; that was yesterday.

The TEMPORARY CHAIR: Minister, resume your seat.

Senator HANSON: I referred to the minister. He brought up NZYQ in his response. The minister brought up NZYQ in his response and went back to Peter Dutton, the minister at the time. So don't stand up and tell me this is not relevant. It is very relevant because, when I hear comments in this chamber that are misleading the Australian people, I will not have it. If blame lands at your feet then take the blame at your feet and stop backing away from it and trying to mislead the Australian people. NZYQ ended up in this country because of the poor laws that you had. We had boatloads coming in here. Over 800 boats came to the shores of this nation, and that is why we ended up in the mess that we are now. This has to be dealt with. I am sick and tired, as are the Australian people, of the blame going across this chamber. The coalition have put up amendments to try to strengthen it so that this doesn't keep happening. The Australian people have had enough.

I have sat here and listened to the Greens. They are so righteous. They actually want to open the floodgates for 50,000 refugees. They would welcome everyone into the country. Can you imagine that? We can't even look after our own people in this nation and make sure that they have housing and have food on the table. The Australian people are suffering. Let's open the floodgates, regardless of whether they are true refugees, because they should be allowed to come into the country—that's their attitude.

They will open the floodgates to over 50,000 refugees. Where are they going to live? Who's going to feed them? Will they be on welfare? Will they ever work? Are they compatible with our national identity, our culture and our way of life? Are we going to have in our country the many problems that we see happening in other countries around the world? They can't control illegal refugees. They have no control over them whatsoever.

Senator Rice: They're not illegal.

Senator HANSON: I'll take that interjection: 'They are not illegal refugees.' We have immigration policies. We have a right to control who comes into this country—that's what it's all about—to protect our identity and who we are as Australians. We have a right to say yes or no, and that's exactly what this chamber and the other place have tried to do. You apply to be a migrant to this country and you go through a process. That's the way it's done. You don't just have people coming here.

The Greens have just completely lost me. I wish people would really understand what they stand for. Every time they stand up in this chamber I don't hear them fighting for the Australian people at all—not at all. It's always about refugees, other countries and everyone else around the world. That's what you portray to the Australian people. I wish they really understood what you stand for. I don't believe that you fully represent the Australian people. You worry about everyone else but the Australian people.

Senator McKim: Our vote's way higher than yours.

The TEMPORARY CHAIR (Senator Hughes): Senator McKim, you were heard in silence. Senator Hanson deserves the same respect. Interjections are disorderly. Senator Hanson.

Senator HANSON: Thank you. We're talking about the citizenship of these people. That's what it's all about. The High Court's decision was that the minister of the day cannot bring in punitive measures, and that can be a wide range of things. My understanding—and my question will go to the minister soon—is that it is the minister of the day who can actually strip someone of their dual citizenship. There are three reasons why a person stays in the country: they can't be sent back to their own country because of fear of execution, they are a genuine refugee and they will be made stateless if you strip them of their citizenship.

In the case of NZYQ the minister is talking through his hat because he actually blames former minister Dutton for the mess that we're in now. The minister knows that you cannot get a lot of these people out of the country, because they've destroyed their citizenship and other countries won't take them, so we're in this mess that we're in. I asked the minister yesterday—and remember that they've been in for a year and a half—how many times he has applied to have NZYQ deported and he said that we've applied to six countries. Why hasn't he been deported? Why sit there and blame former minister Dutton for him not being deported when you know you can't do it yourself? You haven't been able to. That's why we're stuck with them.

Minister, people want to know who has control now, at this time, over the stripping of citizenship. Can you answer my question?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (11:59): I'll try to deal with the various questions that have been asked so far. I might start with Senator Hanson's, given they are the most recent ones. Senator Hanson, I know that you're a big fan of Mr Dutton and one of his biggest cheerleaders, always jumping to his defence, but I make no apologies for pointing out the

facts of Mr Dutton's involvement in both of the matters we've been dealing with this week, and the facts stand for themselves.

One of your questions was: who has the power to strip someone of their citizenship under the law as it currently stands? The legislation that we're seeking to amend gives the power to the minister to cease someone's citizenship, provided certain conditions are met. The problem is that the High Court has just found that it is unconstitutional for a minister to have that power and that the legislation that was being used is unconstitutional or, put another way, there's no legal power for the minister to do what the legislation allows the minister to do. So, I guess you could say that at the moment under the law it's the minister that has the power and I guess you could say that at the moment under the law no-one has the power because those laws have been found to be unconstitutional. That is exactly what we're trying to fix here by amending the legislation so that the minister has the power to apply to a court to have someone's citizenship stripped from them as part of the sentencing of them when they commit particular offences like treason and like advocating for mutiny—those types of things that reject Australia's values and amount to not pledging allegiance to Australia.

I know you didn't ask the question, but you did raise the point about statelessness. It is correct that, under both this legislation that we're seeking to put in place and, I think, the existing legislation, it was not and it is not possible to strip someone of Australian citizenship if that would leave them stateless, which means that they don't have citizenship of another country. The reason for that is that it's a requirement of international law. Australia is a signatory to at least one treaty, if not more, with other countries that say, put simply, that we will not take actions to make someone stateless. So if we were to apply this law to people who would be then rendered stateless then we would be in breach of those international agreements. I can only presume that's the reason that Mr Dutton, when he was in charge, didn't apply these laws to people who would otherwise be rendered stateless as well.

I don't think there were any questions from the Greens. There was a 10-minute statement of opinion.

Senator Cash asked a couple of questions, and I'll get to the answers to those in a moment. Before I get there, I know Senator Cash is trying to make a valiant effort to continue putting the blame for this mess of unconstitutionality at the feet of the Labor Party, when we all know that it actually arises from laws that Mr Dutton and the coalition brought in that were unconstitutional. She's tried to say that Mr Dreyfus, as the then shadow Attorney-General, was a big fan of these laws. I'd encourage Senator Cash to look at what Mr Dreyfus actually said at the time.

In 2018 Mr Dreyfus, as the then shadow Attorney-General, said in relation to the laws that were passed and were found to be unconstitutional:

Peter Dutton and Scott Morrison are trying to rush legislation through the parliament that could result in terrorists taking the Australian government to the High Court and winning.

I think Mr Dreyfus was proven right. He went on to say:

The Committee heard expert evidence that the proposed legislation was likely unconstitutional, would not survive a High Court challenge, and risked completely destroying the Government's ability to revoke the citizenship of any terrorist.

Again, Mr Dreyfus, as the shadow Attorney-General, was right.

It wasn't just Mr Dreyfus who heard this expert evidence. It was the entire Parliamentary Joint Committee on Intelligence and Security that heard that expert evidence that the very legislation that Mr Dutton brought in was likely unconstitutional. Well, do you know what? It was unconstitutional. The committee heard that it wouldn't survive a High Court challenge. Guess what? It didn't survive a High Court challenge. The committee heard that it risked completely destroying the government's ability to revoke the citizenship of any terrorist. Guess what? He was right again. If only Mr Dutton had bothered to listen to the warnings that were issued at the time by the shadow Attorney-General.

But, as I say, it wasn't just Mr Dreyfus. In relation to the laws that were passed and which the High Court struck down, Labor members of the Parliamentary Joint Committee on Intelligence and Security said the following:

The debate about whether the citizenship cessation provisions are constitutional obviously can not be resolved by this Committee. Labor members note that the Government has provided assurances to the Committee, and the Australian people, that the existing citizenship cessation provisions are on a strong constitutional footing. The worth of those assurances will ultimately be determined by the High Court.

As we all know, the worth of those assurances from the former government has recently been determined by the High Court, and the High Court found that those assurances by Mr Dutton and his colleagues were absolutely worthless. Again, Labor members of the committee put the government on notice at the time and raised concerns about the constitutionality. Obviously, in opposition, we didn't have the benefit of the government's legal advice, and we relied on those assurances. They proved to be futile, and that's why we are in this mess, and that's why we need to fix this legislation today.

On the questions that Senator Cash asked, again, I will take on notice the date that drafting of this legislation commenced. Senator Cash also asked why the legislation wasn't ready for the Alexander decision. Of course, Mr Dutton could, at any time, have acted to ensure that his legislation was actually constitutional. But there's a distinction between the Alexander case and the Benbrika case. They both did involve applications around the cessation of citizenship, but the facts of the Alexander decision involved a minister ceasing a person's citizenship on the basis of that person's conduct. In the Alexander decision, it was found to be unconstitutional for the minister to have that power. The Benbrika case was different, because it involved the power of a minister to cease someone's citizenship after a court had convicted and sentenced that person. That was also found to be unconstitutional. Both models were Mr Dutton's models. Both were found to be unconstitutional and both are what we are now fixing.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (12:08): I will respond to comments the minister has made. Unfortunately, in his haste to defend himself, the Attorney-General hasn't given Minister Watt the complete brief, so perhaps he does want to go back and ask the Attorney-General for the correct brief. Minister, you weren't referring to the laws that I referred to. You were talking about—and I assume the Attorney-General's office guy has gone and given you this to read out—the Australian Citizenship Amendment (Strengthening the Citizenship Loss Provisions) Bill 2018. You continued to work with us in a bipartisan manner. I was making reference to the Australian Citizenship Amendment (Citizenship Cessation) Bill 2020. As I said at the commencement of my comments, we can safely disregard anything that the minister has just said about legislation that was never considered by the High Court and that, indeed, never became law. These are the correct comments in relation to what the Attorney-General said about the legislation. Perhaps the Attorney can quickly update his brief for you and rush it in so you can correct the record. Just to ensure we're all on the same page, I want to quote:

Labor members welcome the move to a ministerial decision-making model of citizenship cessation.

And as I said, just for the benefit of *Hansard*, in his second reading speech on the citizen cessation bill the then shadow Attorney-General described Labor as 'fully supporting the move to a ministerial decision-making model'. That's just for the record to ensure the Attorney-General's comments are correctly recorded despite the brief that he clearly had raced into the chamber for Minister Watt to read out.

In terms of the legislation that we have currently before us, the Senate would be aware that it is now more than one month since the Benbrika decision. On 1 November this year—over one month ago now—together with the Leader of the Opposition and Senator Paterson, I wrote to the Albanese Labor government, and we actually requested that they bring forward this legislation. I'm going to read the letter into *Hansard* because of the rhetoric that we are hearing from the minister and indeed from the press conference that has been held earlier today. There's quite a bit of press in relation to that press conference unfortunately, and I have to say it's not faring well for the Attorney-General. This is the letter addressed to the Prime Minister, the Minister for Home Affairs and, at that stage, the Acting Attorney-General, and we said:

Dear Prime Minister, Minister and Acting Attorney-General,

We write in relation to the High Court's decision in the matter of *Benbrika v Minister for Home Affairs*, which was handed down earlier today.

Abdul Nacer Benbrika is a convicted terrorist who planned to conduct violent attacks against Australians on Australian soil. Mr Benbrika held both Australian and Algerian citizenship. He was convicted of serious criminal offences by due process of law following a trial by jury in the Victorian Supreme Court.

Shortly before the expiry of criminal Mr Benbrika's sentence, in November 2020, the former Coalition Government cancelled Mr Benbrika's Australian citizenship under section 36D of the *Australian Citizenship Act 2007*, acting in the best interests of all Australians.

The effect of today's High Court decision is to render section 36D of the *Australian Citizenship Act* invalid, and restore Mr Benbrika's Australian citizenship.

Section 36D of the *Australian Citizenship Act* was introduced with bipartisan support in 2020, by the *Australian Citizenship Amendment (Citizenship Cessation) Act 2020*. The intent of that Act was to allow the Australian Government to cancel the citizenship of convicted terrorists who had repudiated their allegiance to Australia, working within constitutional bounds. The drafting of the legislation was informed by the best constitutional advice available.

One consequence of the High Court's ruling is that convicted terrorists may remain entitled to the privileges of Australian citizenship despite repudiating their allegiance to Australia—even if they have actively planned to attack and kill other Australians, on Australian soil.

The Australian people should not be asked to tolerate this risk.

We ask that you bring forward legislation to address the High Court's ruling as a matter of urgency, and reinstate the Government's power to cancel the citizenship of convicted terrorists in appropriate cases. In the interests of all Australians, the Coalition will of course work cooperatively with the Government to ensure such laws can be passed without delay.

We note that in October 2022 the Albanese Government publicly committed to introducing new legislation to restore these powers but detail on the proposed legislation is yet to be released.

The Government must pursue every available avenue to ensure the safety of the Australian people. We note that, at present, Mr Benbrika remains in prison pursuant to a continuing detention order sought by the former Coalition Government in 2020. However, that order will expire this year, and if a further order is not granted by a court, Mr Benbrika may soon be released into the Australian community.

Just to confirm, that was the letter that I, Senator Paterson and the Leader of the Opposition sent to the Prime Minister, the Minister for Home Affairs and the Acting Attorney-General on 1 November. That was, of course, the day that the High Court handed down its decision. We are now in December, so we are now five weeks past the date of the letter that we wrote and 18 months after the Alexander decision, after which, as we said in our letter, the government committed to restoring this regime. As I've said, in October 2022 the Albanese government publicly committed to introducing new legislation to restore these powers, but the detail has never been released.

Can I ask a question—unfortunately, it's going to have to be taken on notice, because I have a number of questions—on the procedural history of this bill in terms of when the policy work commenced, when the drafting instructions were given and when the drafting actually commenced? As to Mr Benbrika, though—he is, as we know, Australia's most notorious convicted terrorist offender and in 2008 was found guilty of leading a terrorist cell that plotted to blow up Australian landmarks—my questions are: Does this bill cover Abdul Nacer Benbrika? What consideration was given to these laws covering Abdul Nacer Benbrika? Does this bill cover anyone who has previously had their citizenship removed? What consideration was given to these laws covering anyone else who had previously had their citizenship removed? Mr Benbrika is currently subject, as I've stated, to a continuing detention order obtained by the former coalition government in 2020. It is due to expire on 24 December—so shortly. In the event that the bill doesn't cover him, what is the government doing about his case? Will you apply for a new continuing detention order or take some other step, or will Australians wake up on 25 December to the very nasty Christmas present that one of our most notorious terrorist offenders is being released back onto our streets?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (12:17): I am certainly very much aware that the government has given consideration to what can be done about Mr Benbrika as an individual. I know that, because I have personally spoken about that with the home affairs minister. The powers that are set out in this bill will not apply to cases where an individual has already been sentenced—I think that's been explained to the opposition previously—but, if these individuals do commit further offences covered under this legislation, the Minister for Home Affairs may be able to make an application to the court to have citizenship cessation considered as part of sentencing. The amendments apply to convictions that occur after the commencement of the legislation, where the conduct occurred on or after 12 December 2015.

That obviously begs the question: why can't the legislation apply to the likes of Mr Benbrika or people who've already been sentenced? The short answer is that it is because Mr Dutton's laws were unconstitutional. The key finding of the High Court in the Benbrika case was that citizenship can only be stripped from someone by the decision of a court after the application of a minister and that the decision to strip their citizenship can only happen in the course of sentencing for an offence. Mr Benbrika obviously committed his offence some time ago. He was charged, convicted and sentenced some time ago and, because the laws that Mr Dutton had passed were unconstitutional, the opportunity for Mr Benbrika's citizenship to be stripped as part of his sentencing has passed. If Mr Dutton's laws had been constitutional, then Mr Benbrika could have been stripped of his citizenship at the time, as part of his sentencing. But, because the laws weren't constitutional, we're now in a situation where he has been sentenced and there is no opportunity for the minister of the day to apply for his citizenship to be stripped as part of a sentencing process, because that sentencing process has already happened.

I agree it is deeply unfortunate that Mr Benbrika can't have his citizenship stripped of him under the laws being passed now. That is because his sentencing has occurred and what the court has found is that, to be constitutional, the laws require the stripping of citizenship to be done as part of the sentencing process. The effect of the recent High Court decision about Mr Benbrika is that he never ceased to be an Australian citizen. So the actions of the former government, in purporting to strip Mr Benbrika of his citizenship, were ineffective. They were unconstitutional. They were unlawful. In fact, Mr Benbrika never ceased to be an Australian citizen. Again, that is the direct consequence of Mr Dutton bringing in laws that were unconstitutional. As I've said, the powers that are set out in this bill, to enable someone to be stripped of their citizenship, will not apply to cases where the individual has already been sentenced, and that includes Mr Benbrika.

You've referred to the fact that Mr Benbrika is currently on a continuing detention order. Mr Benbrika remains in custody on a continuing detention order, which is due to expire on 23 December 2023. On 13 December last year, Mr Benbrika's lawyers filed an application for a review of his continuing detention order on the basis that new

material had been made available to Mr Benbrika. On 27 February this year, the Attorney-General, Mr Dreyfus, made an application to the Supreme Court of Australia for an extended supervision order in respect of Mr Benbrika. On 20 June this year, the hearing of Mr Benbrika's continuing detention order review and the Attorney-General's extended supervision order application resumed in the Supreme Court of Victoria. As judgement in this matter remains reserved, it is inappropriate to comment further.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (12:22): Thank you very much. So judgement is reserved in that matter. There's only a very short time left before we'll hit the hard marker. So I do just want to take an opportunity to address the amendments that the coalition will be moving, or that I will be moving on behalf of the coalition. The coalition's position is very clear. There are some types of offences that are so egregious, so antithetical to Australian values, that those who engage in them demonstrate a rejection of Australia and everything it stands for. What the coalition is saying, by the amendments that we are moving, is that those who go overseas to murder Australians are rejecting Australia. What the coalition is saying is that those who go overseas to rape children or engage in slavery or torture should, in appropriate cases, be liable to have their citizenship stripped.

So let's have a look at what our amendments are proposing. Under the coalition amendment, a court could decide to remove your citizenship if you go overseas and train with a foreign military and import weapons into Australia and then advocate that they be used for terrorism or genocide. The coalition is saying that proven terrorists, like Mr Benbrika, who seek to evade monitoring that is put in place specifically to keep the community safe should not be safe from consequences. We are saying that, if you are one of those abhorrent Australians, like we have seen in the past, who try to procure the abuse of children in the Philippines or glorify the most depraved forms of sexual abuse of children by sharing it over the Internet, you should not be on firm ground. We ought to be able to ask the court to say: 'Actually, you're not an Australian. You have repudiated the values of Australians.' Unfortunately, that is not the position that the Albanese Labor government have put forward in this bill. Labor's bill, in effect, says that if you try to interfere in an Australian election you should be liable to having your citizenship removed by a court. I actually agree with that; I say it's fair enough. But, if you go overseas to murder Australians, they say that you should not, that's it's okay. I disagree with that. If you are a terrorist, the minister should be able to ask the court to remove your citizenship. Again, I agree with that. The coalition agrees with that. But if you stay here on Australian soil and advocate for others to do it for you, for some reason the Australian Labor Party says that's okay; you should be safe. It is baffling; it is inexplicable; it is incomprehensible. I would think Australians don't want paedophiles, murderers, torturers and agitators for genocide to remain in Australia—nor should they—but the Australian Labor Party, under Mr Albanese, seems to have a problem with that.

We are not saying that every case we are putting forward will result in citizenship removal. It would be a gross misunderstanding and a gross misstatement to say that. What we are saying is that the minister should merely have an extra tool in his shed, an extra weapon in the armoury. We accept that in some cases the conduct in question, even though it might be criminal, will not be sufficient to amount to a repudiation of Australia. If citizenship were removed in those cases, the removal, in light of the High Court's ruling in the Benbrika case, might well be beyond power because it is outside the scope of what is permissible consistent with chapter 3 of the Constitution.

There is a double lock to ensure constitutionality. Before the operation of our amendment—and, indeed, the government's own legislation could give rise to constitutional concern—the minister would need to front the court to apply for citizenship stripping. I would hope, for the sake of those opposite, that before doing so the minister would seek legal advice. The first part of the double lock, before the operation of our amendment—and, indeed, the government's own legislation, which could give rise to a constitutional concern—is that the minister needs to front court to apply for citizenship stripping. The second part of the double lock is that the court actually needs to remove the person's citizenship. Until you go through both of these gateways, the constitutional issue does not arise. It is not necessary to decide, and, consistent with longstanding practice of the High Court and other courts in constitutional matters, we would expect that the court would not find it necessary to determine a constitutional question unless it were essential to resolving the dispute in question. That is the double lock. It operates equally in respect of the offences in the government's bill and our own offences, and that is also why we describe our amendment as simply another tool in the shed, another weapon in the armoury, for the minister to use in appropriate cases, based on, as I said, legal advice. That's because we'd rather not be trying to legislate retrospectively when the so-called appropriate case does come up, when we find that abhorrent case—the case where someone has committed offences on our list in a manner that is so egregious that there is no question as to their citizenship being removed. They have repudiated Australia; they have repudiated our great values.

Let's be honest: we actually hope the offences on our list are never used. I hope people don't engage in this behaviour. We hope these measures are never relied on, because we don't want Australians to go overseas and murder other Australians, rape children or engage in torture and other forms of depravity. This is conduct that

exceeds all the normal bounds of human behaviour, and it is precisely the conduct captured on our list. When it comes to our expanded list, we'd rather have it and not need it than need it and not have it. As I said, you have the double-lock to ensure constitutionality, and that applies to both our amendment and, indeed, the government's own legislation. Before either operates in a way that could give rise to the constitutional concern, the minister, in the first place, needs to front the court to apply for citizenship stripping. You would certainly hope, for the sake of those opposite, that before doing so the minister would seek that legal advice. The second part is that the court actually needs to remove the person's citizenship. Until you go through both of these gateways, the constitutional issue does not arise.

Very briefly, regarding judicial review, Minister: is the minister's decision to apply for citizenship revocation judicially reviewable? If so, doesn't that mean there's potential to undermine this bill because you need to apply for citizenship revocation as part of the sentencing process? This is a very narrow window, but a person who is going through a criminal trial could simply launch an administrative review action, challenging the minister's decision to apply for citizenship revocation and tying the minister in litigation for, potentially, months. How will you address the problem of this citizenship-stripping model being undermined by a collateral administrative law attack? How will you ensure administrative law challenges can't be used to force you to miss your window and lose the ability to strip citizenship altogether?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (12:32): Thank you, Senator Cash. If anyone observing this debate was in any doubt that this is all just a political exercise from the opposition, I think we've seen once and for all that that's exactly what's going on here with Senator Cash's most recent contribution. Yet again, rather than actually trying to work with the government to get through legislation that is constitutional—what an amazing concept for the coalition that you might have laws that are constitutional and stand up in court!—and to ensure that these laws are robust and can stand up in court, unlike the laws that they passed when they were in government, they want to insert new amendments for the sole purpose of launching the kind of political attacks that we just saw from Senator Cash.

I'll come back to the point about judicial review of decisions, but, just to deal with the coalition's amendments that they've circulated, they're political amendments that have been submitted only for the purpose of lodging another political wedge. I guess maybe their purpose is to ensure that these laws are unconstitutional, because that's what the effect would be. What the government is doing here is not just putting in place a process to legally strip someone of their citizenship. We are actually expanding the number of offences that the power applies to. Under the current legislation that was brought in by Mr Dutton, which was deemed to be unconstitutional, someone could have their citizenship stripped if they were convicted of one of a number of offences, including terrorism, treason and advocating mutiny. What we are doing is adding additional points to do with convictions for things like espionage, foreign interference, foreign incursions and recruitment. What you'll see about all of those offences is that they have one thing in common: they go to someone's allegiance to Australia. They are not firearms offences. They are not general criminal offences. They are offences that go directly to someone's allegiance to Australia, and that is the key to ensuring that these amendments remain constitutional.

The very serious risk that we face if this parliament agrees to the amendments that the coalition has circulated is that, yet again, we will be passing a bill that is unconstitutional and doesn't work. What we want to do, and what I think most senators in this chamber want to do, is put in place a system that allows for someone to be stripped of their citizenship when they commit offences that go against the interests of Australia, that show they don't have an allegiance to Australia. The very worst thing we could do is repeat the error of Mr Dutton and the coalition, who passed laws that were unconstitutional and that overreached for the sake of making a political point. That is what the coalition is yet again asking us to do in seeking to add to this bill over 50 extra offences that bear no resemblance whatsoever to the key point about someone's allegiance to Australia and, therefore, to whether they are entitled to have Australian citizenship. One of the offences that have been included by the opposition that would see someone stripped of their citizenship is the transporting of a firearm across a state border. I agree that is a serious offence and someone should pay the price for committing that offence, but it doesn't amount to repudiating someone's allegiance to Australia, and that is what is necessary to justify someone's citizenship being stripped from them and for that law to stand up court.

We can all come in here and make political points and add all sorts of offences to make us look tougher, but what you would be doing is trying, yet again, to pass laws that are unconstitutional. I really would have thought the coalition would have learned its lessons. They've got it wrong twice in passing such laws when they were in office, when they passed laws that were unconstitutional. What they're asking us to do today is ignore the constitutional risk for the sake of making a political point. We all in this chamber think that people who commit child sex offences are depraved individuals who should be punished, but if we pass those amendments from the opposition, we risk this legislation falling over, just as the last bill Mr Dutton passed fell over and the one before that fell over, just for

the sake of scoring a political point. That's why the government's view is that we should pass the bill that has been introduced and we should refer the amendments on the other offences that the coalition have put forward to the parliamentary joint committee so that they can be examined. If the advice comes back that they can be included and it's still constitutional, fine, we should do that, but we shouldn't jeopardise these laws and a process for stripping someone for their citizenship just to make a political point.

I might point out that we've attempted to brief Mr Tehan, who is the shadow minister, about the constitutionality of these extra offences. We scheduled a briefing with him yesterday. He cancelled the briefing and has refused to engage further. We have attempted to fix this matter. The opposition just play political points.

The CHAIR: Thank you, Minister.

Senator Hanson interjecting—

The CHAIR: The time has expired, Senator Hanson. In accordance with the resolution today, the time for consideration of the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023 has expired. I will now put the questions on the remaining stages of the bill, starting with amendments circulated by Senator Thorpe. The question is that amendments (1) and (2) on sheet 2318 and amendment (1) on sheet 2323 be agreed to.

Senator Thorpe's circulated amendments—

SHEET 2318

(1) Schedule 1, item 4, page 7 (lines 8 and 9), omit "the whole of each period is to be counted", substitute "the periods of imprisonment, to the extent that those periods are to be served concurrently, are to be counted only once".

(2) Schedule 1, item 4, page 7 (lines 10 to 13), omit the example, substitute:

Example: A person is convicted of 2 serious offences and a court has decided to impose on the person in respect of the convictions 2 periods of 8 years imprisonment to be served concurrently. For the purposes of subsection (1), the total period of imprisonment is 8 years.

SHEET 2323

(1) Schedule 1, item 4, page 4 (lines 26 to 29), omit "3 years" (wherever occurring), substitute "5 years".

Question negatived.

Senator DAVID POCKOCK (Australian Capital Territory) (12:38): by leave—I would like my support for Senator Thorpe's amendments noted.

The CHAIR: Senator McKim, do you wish the same?

Senator McKIM (Tasmania—Australian Greens Whip) (12:38): by leave—I do, thank you, Chair.

The CHAIR: I order that it be recorded that the Greens and Senator David Pocock supported that amendment. I will now deal with the amendments circulated by the opposition. The question is that the amendments (1) to (5) on sheet 2282 be agreed to.

Opposition's circulated amendments—

(1) Schedule 1, item 4, page 5 (after line 22), after paragraph 36C(3)(b), insert:

(ba) a provision of Subdivision C of Division 80 of the *Criminal Code* (urging violence and advocating terrorism or genocide);

(2) Schedule 1, item 4, page 5 (line 23), omit paragraph 36C(3)(c), substitute:

(c) a provision of Division 83 of the *Criminal Code* (other threats to security);

(3) Schedule 1, item 4, page 5 (line 33), omit subparagraph 36C(3)(f)(v).

(4) Schedule 1, item 4, page 5 (after line 33), after paragraph 36C(3)(f), insert:

(fa) a provision of Part 5.4 of the *Criminal Code* (harming Australians);

(5) Schedule 1, item 4, page 5 (line 35), at the end of subsection 36C(3), add:

; (h) a provision of Division 270 of the *Criminal Code* (slavery and slavery-like offences);

(i) a provision of Division 272 of the *Criminal Code* (child sex offences outside Australia);

(j) a provision of Division 274 of the *Criminal Code* (torture);

(k) a provision of Part 9.4 of the *Criminal Code* (dangerous weapons);

(l) a provision of Subdivision D of Division 474 of the *Criminal Code* (use of carriage service for child abuse material);

(m) a provision of Subdivision F of Division 474 of the *Criminal Code* (use of carriage service involving sexual activity with, or causing harm to, person under 16).

The CHAIR: The question before the committee is that the amendments on sheet 2282 be agreed to.

The committee divided. [12:43]
 (The Chair—Senator McLachlan)

Ayes27
 Noes30
 Majority.....3

AYES

Antic, A.	Askew, W.	Babet, R.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Colbeck, R. M.	Davey, P. M.	Duniam, J. R.
Hanson, P. L.	Henderson, S. M.	Hughes, H. A.
Hume, J.	Kovacac, M.	Lambie, J.
Liddle, K. J.	McDonald, S. E.	McGrath, J.
Nampijinpa Price, J. S.	O'Sullivan, M. A.	Reynolds, L. K.
Roberts, M. I.	Ruston, A.	Scarr, P. M. (Teller)
Sharma, D. N.	Smith, D. A.	Tyrrell, T. M.

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lines, S.	McAllister, J. R.	McCarthy, M.
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.	Sterle, G.
Stewart, J. N. A.	Urquhart, A. E. (Teller)	Walsh, J. C.
Waters, L. J.	Watt, M. P.	Whish-Wilson, P. S.

Question negatived.

The CHAIR (12:45): I will now deal with amendments circulated by Senator David Pocock. The question is that the amendments on sheets 2284, 2287 and 2288 be agreed to.

Senator David Pocock's circulated amendments—

SHEET 2284

- (1) Schedule 1, item 4, page 6 (line 3), omit paragraph 36C(4)(a), substitute:
 - (a) the person is aged 18 or over;
- (2) Schedule 1, item 4, page 6 (lines 27 and 28), omit paragraph 36C(6)(a).

SHEET 2287

- (1) Schedule 1, item 4, page 6 (after line 3), after paragraph 36C(4)(a), insert:
 - (aa) the person is not an Aboriginal or Torres Strait Islander person;
- (2) Schedule 1, item 4, page 8 (line 12), at the end of subsection 36D(4), add:
 - ; (d) information about whether the person is an Aboriginal or Torres Strait Islander person.

SHEET 2288

- (1) Schedule 1, item 4, page 6 (line 4), omit paragraph 36C(4)(b), substitute:
 - (b) the person is an Australian citizen, but did not become an Australian citizen:
 - (i) upon the person's birth or under section 12; or
 - (ii) under Subdivision B of Division 2 of this Part because the person was eligible under subsection 21(8);
- (2) Schedule 1, item 4, page 8 (lines 25 to 29), omit subsection 36D(8), substitute:
 - Australian citizens to which this section applies*

(8) This section applies in relation to a person who is an Australian citizen, other than a person who became an Australian citizen:

- (a) upon the person's birth or under section 12; or
- (b) under Subdivision B of Division 2 of this Part because the person was eligible under subsection 21(8).

Question negatived.

The CHAIR: By leave, the Greens and Senator Pocock will be recorded as supporting those—although, Senator Pocock, since you did move it, I imagine that we could make that assumption.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

The DEPUTY PRESIDENT (12:46): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

The Senate divided. [12:50]

(The Deputy President—Senator McLachlan)

Ayes39
Noes8
Majority.....31

AYES

Antic, A.	Ayres, T.	Babet, R.
Bilyk, C. L.	Canavan, M. J.	Cash, M. C.
Chisholm, A.	Colbeck, R. M.	Davey, P. M.
Farrell, D. E.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson, P. L.	Henderson, S. M.
Kovacic, M.	Lambie, J.	McAllister, J. R.
McCarthy, M.	McDonald, S. E.	McLachlan, A. L.
O'Neill, D. M.	O'Sullivan, M. A.	Payman, F.
Pocock, D. W.	Polley, H.	Pratt, L. C.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M.	Sheldon, A. V.	Smith, M. F.
Sterle, G.	Stewart, J. N. A.	Tyrrell, T. M.
Urquhart, A. E. (Teller)	Walsh, J. C.	Watt, M. P.

NOES

Allman-Payne, P. J.	Hanson-Young, S. C.	McKim, N. J. (Teller)
Pocock, B.	Rice, J. E.	Shoebridge, D.
Waters, L. J.	Whish-Wilson, P. S.	

Question agreed to.

Bill read a third time.

Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023

Second Reading

The DEPUTY PRESIDENT (12:53): Pursuant to the order agreed to earlier today, the time allotted for the second reading of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill has expired. I will now put the questions on the second reading amendments circulated. The first question is that the second reading amendment circulated by the Australian Greens on sheet 2324 be agreed to.

Australian Greens' circulated amendment—

At the end of the motion, add ", but the Senate:

(a) is of the opinion that while criminalising the use of Nazi symbols and salutes is a valid and appropriate public policy outcome, certain other provisions of the bill that go beyond this potentially criminalise speech and conduct in a manner that

risks exacerbating over policing of marginalised communities, such as Muslim and Arab communities, including by the potential for aggressive policing of conduct that is in fact not criminalised by this bill; and

(b) notes that these concerns have been raised by stakeholders but have not been addressed".

The Senate divided. [12:58]

(The Deputy President—Senator McLachlan)

Ayes9
Noes33
Majority.....24

AYES

Allman-Payne, P. J.	Hanson-Young, S. C.	McKim, N. J. (Teller)
Pocock, B.	Pocock, D. W.	Rice, J. E.
Shoebridge, D.	Waters, L. J.	Whish-Wilson, P. S.

NOES

Antic, A.	Ayres, T.	Babet, R.
Bilyk, C. L.	Cash, M. C.	Chisholm, A.
Colbeck, R. M.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson, P. L.
Henderson, S. M.	Lambie, J.	McAllister, J. R.
McCarthy, M.	McLachlan, A. L.	O'Neill, D. M.
Payman, F.	Polley, H.	Pratt, L. C.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M. (Teller)	Sheldon, A. V.	Smith, D. A.
Smith, M. F.	Sterle, G.	Stewart, J. N. A.
Tyrrell, T. M.	Urquhart, A. E.	Walsh, J. C.

Question negatived.

The DEPUTY PRESIDENT (13:01): I will now deal with the second reading amendment circulated by Senator David Pocock. The question is that the second reading amendment on sheet 2329 be agreed to.

Senator David Pocock's circulated amendment—

At the end of the motion, add ", but the Senate is of the opinion that:

- (a) people turn to extremist ideologies when they feel isolated, disaffected and excluded from society,
- (b) fostering strong, cohesive communities is the best way to prevent the rise of right-wing extremist ideologies,
- (c) criminalising the use of Nazi symbols and salutes is an appropriate public policy outcome, but by itself, it will not address the underlying drivers of radicalisation; and
- (d) the Government must increase funding for social cohesion, early intervention and deradicalisation programs to genuinely address this issue and keep Australians safe".

Question negatived.

Senator SHOEBRIDGE (New South Wales) (13:01): by leave—The Greens support the second reading amendment.

The DEPUTY PRESIDENT: I will now deal with the second reading amendment circulated by Senator Thorpe. The question is that the second reading amendment on sheet 2330 be agreed to.

Senator Thorpe's circulated amendment—

At the end of the motion, add ", but the Senate is of the opinion that:

- (a) criminalisation will not fully address the highly complex and nuanced issues around radicalisation and violent extremism nor respond fully to the discrimination faced by certain communities;
- (b) there is an urgent need to address the underlying problems that lead to radicalisation including the propagation of the racism and prejudice which fuels extremism and extremist violence, and the grooming and recruitment of alienated young people by extremist groups;
- (c) a broader suite of measures is required to create provisions for early community-based identification, intervention, rehabilitation and deradicalisation programs, education and awareness raising;

(d) the criminalisation of all "prohibited terrorist organisation symbols" is so broadly drafted that it could capture a wide range of benign conduct which is overly dependent on police and prosecutorial discretion, and could serve as a continuation of the long history of the overreach of counter-terrorism legislation to disproportionately criminalise black, brown and Muslim communities; and

(e) truth telling is required to recognise and address systemic issues of white supremacy and racism, which are not just fringe issues in our society, but rather the bedrock upon which this country was founded".

Question negatived.

The DEPUTY PRESIDENT: The question now is that the bill be now read a second time.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (13:02): Obviously, we're now debating the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023. We've been unable to have the second reading stage. We are in committee for the next 30 minutes, so I will make a number of comments in relation to the bill.

In commencing my comments, I welcome the capitulation by the Attorney-General, Mark Dreyfus, on accepting the coalition's longstanding calls to rectify what was a severe omission in the bill, and that is, of course, the banning of the Nazi salute, which the Australian Labor Party has now belatedly agreed to. It is disturbing, however, that it took the Attorney-General and the government so long to make a decision on such an important matter, which should, quite frankly, have been clear from day one. You have to ask: how do you bring forward a bill to ban prohibited hate symbols but then not ban the Nazi salute? The Attorney-General of Australia and the Labor members on the Parliamentary Joint Committee on Intelligence and Security fought against the banning of the Nazi salute every step of the way, and there are, quite frankly, no words to explain why they would do this.

The original bill introduced in June of this year by the Attorney-General was glaringly deficient in what it proposed to ban. It narrowly defined what were to be banned symbols and, as I've said, glaringly omitted the banning of the Nazi salute. For more than eight months now, the coalition has been calling for the banning of the Nazi salute. It was in March of this year that the coalition introduced legislation into the House of Representatives so that the parliament could ban the Nazi salute. The government, the Australian Labor Party, under Mr Albanese, blocked this. Why on earth would a responsible government do this? Therein lies the answer: clearly this government is far from responsible. In May, in our contributions to the inquiry into the bill that we had introduced into the Senate, the coalition again called for the prohibition of the Nazi salute, and again, under this Attorney-General, the government said no. There are really no words to explain why a government would take this position.

After the horrendous 7 October attacks by Hamas on innocent Israeli civilians and the abhorrent rise of antisemitism in Australia, the coalition again recommitted to move amendments to the bill we have before us, to ban the Nazi salute. The Nazi salute is one of the most powerful symbols of antisemitism in our country. It symbolises the industrial murder of over six million Jews and countless others. All Australians are diminished by the sharing and glorification of an ideology which is characterised by genocide, mass murder and other forms of persecution. Quite frankly, I would have thought the banning of the Nazi salute would have been an issue on which this place should unite. Yet for months the Attorney-General of Australia, Mark Dreyfus, and his colleagues have failed to back in the Jewish community and pass simple laws that say the Nazi salute is never appropriate.

The Attorney-General himself said on no fewer than five separate occasions this year that he would not take this important step and ban the Nazi salute. In an interview on 8 June 2023 on the ABC, the Attorney-General, Mark Dreyfus, said:

We think that it's really a matter for state police to deal with the Nazi salute and that's why we've left that for the state law.

In an interview on the same day, 8 June 2023, with Gary Adshead on 6PR, the Attorney-General, Mark Dreyfus, said:

... it's a matter more appropriately dealt with by state and territory law.

In an interview on 8 June 2023 on ABC *News Breakfast*, the Attorney-General, Mark Dreyfus, said:

... we think it's better dealt with by the state laws ...

Then he performed an Olympic-grade backflip. Despite saying to the coalition they were wrong and despite blocking the coalition's moves in both the House and this place to ban the Nazi salute, the Attorney-General, for some bizarre reason, does an Olympic-grade backflip. On 28 November 2023, the Attorney-General of Australia finally accepted that he had got it wrong. He had made the wrong call. He had advised the Albanese government to do the wrong

thing. He backflipped, accepted the very reasonable calls of the coalition and announced his reversal—not by way of press conference, though. He announced the reversal of his position via X, formerly known as Twitter. I have to say, on behalf of the coalition, I am glad that the Attorney-General of Australia accepts that the position taken by him and the Albanese government, those members opposite, was the wrong position and that he acquiesced to the right calls of the coalition and the opposition leader, Peter Dutton. There is no place in our society for symbols which are directly linked to one of the most heinous regimes in our history.

There are still some gaps in this bill. We saw on the weekend Neo-Nazis protesting down the main streets of Bendigo, giving the Nazi salute. The bill before us would not stop the display of the flag that the group uses as its logo or other Neo-Nazi symbols such as the black sun, which is another symbol of the National Socialist Network that it uses in Australia. We know that the symbol used by the National Socialist Network in Australia will not be banned under this bill. We also know that Neo-Nazis continue to develop and now utilise additional symbols, more than just the double-sig rune and the hakenkreuz. It is for this reason that I foreshadow that the coalition will be moving an amendment to allow for a review of these laws—which, in our view, should be conducted by a pre-eminent member of the Jewish community—to ensure that these laws are doing what they are meant to do. We may well find as a result of that review that these narrow laws, as drafted by the government, need to be expanded to properly deal with antisemitism in Australia.

I have to also comment that it is disappointing that it has taken eight months for the Attorney-General of Australia to get this bill to the Senate for debate. For reasons that are unfathomable, the government dragged its feet at every single step while alleging that it continued to work on the issue itself. When the coalition moved in the House of Representatives on 22 March this year to ban the Nazi salute and other symbols, the Leader of the House, Mr Burke, said this to the House of Representatives:

... I have clarified with the Attorney-General that there is work being done within his department that has been going on for some time that goes to these exact issues.

That was a statement made on 22 March 2023. But documents now provided through a freedom-of-information request show that drafting instructions for this bill were not sent to the drafting office until 22 days after the Leader of the Opposition moved to ban Nazi symbols and the Nazi salute on Friday 14 April 2023. So it would appear that work on this bill was not contemplated by the Attorney-General and his office until after the coalition moved in the House of Representatives on 22 March this year to ban the Nazi salute and other symbols. Why would the Leader of the House make his statement that the work was ongoing? If work was ongoing, this is a government that is ridiculously slow to act if drafting instructions were only given 22 days after we had moved in the House of Representatives on 22 March this year to ban the Nazi salute and other symbols.

As I've said, though, this is something that the coalition has been calling for for a very, very long time. It is something that, for some bizarre reason, under the Attorney-General of Australia, the Albanese government has fought kicking and screaming every step of the way. They are the ones that have to answer why. As I said, on 28 November 2023, the Attorney-General of Australia finally did admit that he was wrong. This legislation could have been brought in a long time ago had the Attorney-General heeded the calls of the coalition. So I ask the minister: Why did the government change its position? Why were you so strong on opposing the prohibition of the Nazi salute for eight months on spurious constitutional grounds only to roll over?

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (13:12): That was quite a remarkable contribution from Senator Cash complaining about the government taking eight months. They were in government for 10 years. Senator Cash was Attorney-General for a lot of that time and did absolutely nothing on this and yet comes in here and tries to lecture us, and the Attorney-General as well, on antisemitism. There would be no member of the parliament, be it in the Senate or in the House of Representatives, who would have done more to combat antisemitism in their life than the Attorney-General. So that was a completely ridiculous speech from Senator Cash that was very loose with the truth about the issues that we're dealing with and went nowhere to being held to account for the 10 years that they were in government and did nothing on this. They did absolutely nothing and yet are complaining about us taking eight months.

The reality is that, in June 2022, the Attorney-General's Department provided advice to the Attorney-General in the incoming government brief relating to legislative reform in response to the diversifying nature of violent extremism and increased occurrences of online extremism. It was noted in that brief that reforms might include acts which do not meet the current threshold on terrorism contained in the Criminal Code, such as the display of extremist flags and insignia. The department provided further advice to the Attorney-General between September and November 2022, with a decision by the Attorney-General to develop measures addressing extremist flags and insignia made on 28 November 2022.

Senator Cash mentioned the bill that they brought in. What she conveniently neglected to mention was that that was introduced a couple of days after a Liberal member in Victoria appeared on the steps of the Victorian parliament with Neo-Nazis. That was actually what prompted them to come in here and try and cover their tracks. They still haven't dealt with that issue in Victoria, and it is tearing the Victorian Liberal Party apart. So there was no substance to what Senator Cash was going on about. It was no true reflection of what they did in government, which was nothing, and then a hagiography of what we've been dealing with over the last couple of months.

In terms of the Attorney-General, what he said on day one is that, if we needed to do more, we would. We want the parliament to come together to send the strongest possible signal that there is no place, none whatsoever, for any gesture or any symbol that seeks to glorify the Holocaust. This is a moment that unites the parliament and the nation. The government wants to bring everyone together to vote for this bill and send the strongest possible signal to those who seek to spread fear and hatred that there is no place in this country for antisemitism and no place in this country for those who celebrate Nazis and the Holocaust. Right from the start, the Attorney-General said that the Nazi salute is an evil and offensive gesture and it has no place in Australian society. We said that, if we needed to go further, that we would. And we have.

Senator ROBERTS (Queensland) (13:15): As a servant to the people of Queensland and Australia, I'm opposed to the emergence of all violent extremists, both far-left and far-right, particularly those featuring despicable, inhuman racism, corrosive, antihuman hate and the vile antisemitism that we have recently seen in our Australian communities. The inhuman atrocities that Hamas cowards inflicted on innocent Israeli men, women and children remain a stain on humanity. Yet, here in Australia, extremist Palestinians celebrate Hamas's horrific, inhuman atrocities cowardly inflicted on defenceless citizens. The celebration of Hamas's actions remains a stain of shame on Australia's reputation for fairness and tolerance. This bill, as I read it, is designed to prohibit the public promotion of hate symbols, including those of the historic Nazi regime during the 1930s and 1940s. Yet history is real and should not be buried or denied. Those ignorant of history are condemned to repeat it. Former president of the United States Harry Truman, a very widely read American president, said, 'The only thing new in the world is the history you haven't read.' In other words, it has all happened before. Denying history cannot diminish the Holocaust horrors. History shows that ignorance or wiping of history only brings ignorance, which in turn begs the repeat of atrocities, and we don't want that.

There are many people in Australia interested in preserving history during the period of World War II and preserving items of significant historical interest. These genuine collectors of militaria and historical items are not extremists, nor do they wish to promote extremist or violent views. Their intent is to preserve items of historic and military significance. These genuine collectors, academic researchers and historians should be excluded from the prohibition provisions, and they are. Genuine collectors are often well read and actively research their areas of interest and should not be prevented from maintaining their interests nor run the risk of being punished for preserving the history during a time of historic turmoil. The amendment that I have proposed would exclude and protect genuine collectors from the prohibition provisions of this bill. I commend it to the Senate. I seek leave to move the amendments circulated in my name together.

Leave granted.

Senator ROBERTS: I move amendments (1), (2) and (3) on sheet 2307, circulated in my name, together:

- (1) Schedule 1, item 5, page 9 (line 12), after "academic," insert "collecting militaria,".
- (2) Schedule 1, item 5, page 15 (line 29), after "academic," insert "collecting militaria,".
- (3) Schedule 1, item 5, page 24 (line 19), after "academic," insert "collecting militaria,".

Senator SHOEBRIDGE (New South Wales) (13:18): I want to start with a very clear commitment from the Greens, and that is that the Greens are absolutely committed to the criminalisation of Nazi symbols and for this parliament finally taking some steps to deal with right-wing extremism. The minister, in his response, I thought, aptly responded to some of the coalition's attacks. The coalition had a decade in government and failed to list a single right-wing extremist organisation as a terrorist organisation, despite the very real concern in the community about it. It failed to take any actions at all to criminalise right-wing extremism and then came in here and sought to lecture the rest of this parliament about the action that has been taken today. It is pretty extraordinary stuff. If there was a hypocrisy God keeping an eye on this chamber then a bolt of lightning would have come down and struck the chamber in the middle of that contribution from the coalition.

Let's be clear, the Greens support the criminalisation of the Nazi symbol. We want to get this legislation into law as quickly as possible but, since the introduction of the bill, there have been significant amendments and expansion of the bill. The Greens said in our second reading contributions that we are concerned about the way in which these laws will be policed in the real world. Whatever we may think about finely crafted laws here, at some point they get into the hands of a police officer on the streets and that is when we know that those communities who already often

face marginalisation and over policing—especially at the moment the Muslim and Arab communities in our states—feel threatened. They are right to be concerned about the potential for aggressive policing of conduct that is not in fact criminalised by this bill. We need to be absolutely vigilant about that and, if we see examples of it, we should unite across politics and call it out. If necessary, we should amend this legislation to address it.

The government have said they have consulted broadly with stakeholders. Many of the stakeholders we have consulted with remain concerned that the bill criminalises speech and conduct in a manner that does risk that inappropriate over policing of particularly Muslim and Arab communities, and it feeds harmful narratives linking those practising a specific religion to acts of violence. The government's amendments do not fully alleviate those concerns. The bill could have the effect of people being policed for symbols that are not of banned terrorist organisations but are words important to people for religious and protest purposes. In the context of over policing and prejudice towards Muslim and Arab communities, in the misunderstanding of the Arabic script by police, there is a significant risk of further demonisation and harassment on the street.

The Greens believe those risks are not mitigated in full by the exemption in the bill that applies when a reasonable person considers the display of a symbol is for a religious purpose nor contrary to the public interest, because the explanatory memorandum states clearly that the intention of this exemption is for Buddhist, Hindus and Jains, who rely on religious exemptions and defences, but it is silent about the sacredness of religious words and symbols that are important to the Muslim community, and that silence is loud and it is concerning.

The unanimous PJCIS report explicitly said that the Attorney-General's Department should undertake further consultation with interested parties, including on the text and proposed draft amendments, to ensure that there are no unintended consequences in the alternative approach. I would ask the minister what consultation has been done with key stakeholders about these amendments, consistent with the recommendation from PJCIS? As I said earlier, we have very real concern from our engagement with stakeholders that that consultation has not been adequate.

There are elements of this bill that have raised significant concerns amongst the legal community as well. In that regard, schedule 2 would make a person liable to up to five years imprisonment for accessing or possessing violent material that a reasonable person considers advances an ideological cause and that is intended to encourage intimidatory acts. There is deep concern if anybody has that material and, if it was intended to cause harm or intended for any such act, there is a strong case for criminalising it. But the offence focuses on the nature of the material and not on the intention of persons dealing with it. Legal groups have stated how this is problematic that there is no need to prove any substantive mental state, only that the person intentionally dealt with the material and that could be nonaccidental access, transmission, soliciting, possession or control and that the person may have been reckless as to the material being violent extremist material. Stakeholders such as the Law Council are concerned that the creation of offences without intent are:

... highly extraordinary measures—

I'm quoting the Law Council—

normally reserved for material that has a very low likelihood of being accessed unwittingly, and involves the infliction of significant harm upon vulnerable persons ...

I said before that there are potential unintended consequences of this bill, and we do need to be vigilant that that doesn't unintentionally criminalise people who had no criminal intent. It is a powerful reason to have a review of these laws.

On the issue of review, I can indicate that the Greens are withdrawing the amendment on sheet 2313. I do that now in noting there is more than two hours to go before we conclude this debate. The reason I'm withdrawing it is that we have been engaging and consulting with the Attorney and the government on a review of not just the terms and operation of this bill but also, more broadly, the issue of right-wing extremism. I understand we'll be in a position to support a motion establishing such an inquiry before parliament concludes this year. We think it's important to do a proper investigation of right-wing extremism, to understand why it is that so few right-wing organisations have been listed as terrorist organisations and to hear from the community about their fear of right-wing extremism. We have seen in repeated reports from ASIO that right-wing extremism is a real political danger to us here in Australia, and we should be vigilant and look into it. In those circumstances, we will be withdrawing our amendment seeking the review, but I indicate that we will be, before this parliament rises, support that inquiry in terms that have now been agreed.

Finally, I will deal with two other sets of amendments that the Greens propose, those on sheets 2251 and 2280. Those amendments seek to preserve the existing three-year sunset provisions for the listing of proscribed terrorist organisations and to remove the exemption from the standard 10-year expiry of delegated legislation. Retaining the existing sunset provisions on the listing of proscribed terrorist organisations so that they expire after three years remains important. It ensures that listings are relevant and based on the best current evidence, not

historical artefacts. Given the extreme impact of such listings, the small administrative burden of ensuring this is not in any way disproportionate. If we went back 30 or 40 years, the Australian government would still be seeking to call the African National Congress and Nelson Mandela terrorists. History and the effluxion of time have proved that they were fighting for freedom and for legitimate political purposes. Of course these listings should be reviewed. I'll put on the record that the listing of organisations such as the PKK should absolutely be regularly reviewed and not allowed just to sit there indefinitely, given the struggle that groups like the Kurdish people are facing.

We also believe removing the proposed exemption from standard delegated legislation provisions, which would ordinarily mean regulations expire after 10 years, is bad practice. It removes parliamentary oversight of delegated legislation. Those amendments, we believe, are critical for retaining the primacy of the parliament over legislative provisions.

With those notes of concern and support, I indicate that the Greens will be supporting this bill.

Senator DAVID POCOCK (Australian Capital Territory) (13:28): This legislation clearly is dealing with the symptom, not the root cause, of the rise of these sorts of ideologies in Australia. Minister, I have two questions. I'm conscious of keeping them brief because we're running up on the time limit for the debate. I circulated a second reading amendment that went to the Senate noting that 'people turn to extremist ideologies when they feel isolated, disaffected and excluded from society', that 'fostering strong, cohesive communities is the best way to prevent the rise of right-wing extremist ideologies', that 'criminalising the use of Nazi symbols and salutes is an appropriate public policy outcome but, by itself, it will not address the underlying drivers of radicalisation', and that 'the government must increase funding for social cohesion'—something we've heard a lot about in the last month—'early intervention and deradicalisation programs to genuinely address this issue and keep Australians safe'.

Firstly, I'm interested in the government's views on that and why you're not supportive of acknowledging that. Secondly, I come to the 10-year sunset provision that has been removed from this.

The TEMPORARY CHAIR (Senator Sterle): Order! As it is 1.30 pm, the committee will report to the Senate. Progress reported.

STATEMENTS BY SENATORS

Education

Senator O'SULLIVAN (Western Australia—Deputy Opposition Whip in the Senate) (13:30): Last night, the 2022 OECD Program for International Student Assessment results was released. Australia's results were relatively stable in reading, science and mathematics, but, as Lisa De Bortoli, senior research fellow at the Australian Council for Educational Research, pointed out:

While it's encouraging that Australia's results have stabilised, it's important to recognise that our position in the top 10 is largely due to the performance of other countries dropping below ours.

Just over half of Australian students achieved the National Proficient Standard—51% in maths, 58% in science and 57% in reading ...

In other words, just under half of our 15-year-old students are completing year 10 schooling and coming out functionally illiterate and innumerate. That's not good enough.

The report also showed that throwing money at our education system wasn't going to make this any better. What is far more important is how the money is invested in our education system. We know that spending on education has increased in recent years, while outcomes have largely not improved. What we need are genuine reforms to address the issues that we know are affecting our classrooms. What we need is the political willpower to do the hard yards, put aside a blind devotion to ideology and actually focus on the solutions that we have at hand. Responsible investment into education, initial teacher education reform and evidence based methods of pedagogy are the key to Australia's success. We have the tools that we need in front of us. We just need to be willing to put them to work.

Women in Sport

Senator WALSH (Victoria) (13:32): In 2023, women's sport took Australia by storm. The Matildas made history, leaving all of Australia on the edge of our seats. Their clash against England became Australia's most watched TV broadcast in history, with over 11 million viewers. Aussie women's cricket nailed the T20 World Cup, and the Diamonds won back the Netball World Cup, with more eyes on them than ever before. It seems everyone wants to watch women's sport.

Our exceptional female athletes deserve so much more than our applause; they deserve to be paid what they're worth. In 2015, the Matildas made history by being the first national sporting team to go on strike in the modern era. They refused to play, pointing to pay that was below the national minimum wage. It was a watershed moment not just for the Matildas but for women's sport. Following that, the A-League Women and the AFLW competitions

took off and started bargaining too. This year, Australia's female cricketers secured a historic 66 per cent pay rise, and the AFLW players nearly doubled their wages after joint bargaining with male players.

These are significant strides in the journey towards equal pay in this country, but the fight continues, including for our beloved Diamonds. These exceptional netballers receive a minimum salary of just \$43,000 per annum. Eighteen years ago, led by the legendary Liz Ellis, Australian women netballers collectively bargained for better conditions. Ellis's call for fair pay echoes today as an unfinished battle. We cannot overlook the ongoing dispute. *(Time expired)*

Schools

Senator ALLMAN-PAYNE (Queensland) (13:34): Senator O'Sullivan is correct in saying that the PISA results were handed down last night, but I think he has misinterpreted what they mean. What they tell us is that the Australian school system is growing increasingly unequal and that the gap between our advantaged and disadvantaged students is now becoming a chasm. Senator O'Sullivan said that money won't solve the problem. Tell that to the over 98 per cent of public schools that are currently underfunded. It might not make a difference to the 98 per cent of private schools that are overfunded, but it's definitely having an impact in our public system.

I'd like to share some more stories of what parents and teachers are telling us. The first is from a parent of a teacher in South Australia. She says: 'My daughter has 29 students in grade 3. It's a government school, and 10 of those students are students who have additional needs. There is half an hour of support in the classroom per day. No wonder teachers are leaving the profession.' Another parent says: 'Here's what each student has been asked to contribute as part of their book list this year. As well as their schooling resources scheme payment, they're being asked to provide tissues, paper towel and whiteboard markers for teachers.' It notes that on each payment reminder is the fact that, should the child not have the payment made, they'll be unable to participate in extracurricular activities. She says that all this is at the same time as the private school down the road gets a multimillion-dollar performing arts centre. We need to fund our public schools to the full 100 per cent of the Schooling Resource Standard, and we need to do it at the start of 2025.

First Nations Australians

Senator NAMPIJINPA PRICE (Northern Territory) (13:36): This morning I had the privilege of sitting with a child sexual abuse and child and family counsellor who has dedicated her life to working with some of the most vulnerable and hurt people in our country. She is a counsellor working in Roebourne, Western Australia—the child sex abuse capital of the country. She tells stories that would make most people in here sick. Sadly, for many of these people, living in remote and rural parts of Australia where they're often out of sight and out of mind, it is just life. These people and these children need our help. They've been crying out for real steps to be taken on these issues for years, but people in this place have not been listening. Instead, time here has been wasted chasing 'silver bullet' fixes and activists' dreams that never offered any real solutions.

We know what we need to do to address the issues of child sexual abuse and Indigenous disadvantage. We have the structures in place to listen to their voices and create targeted solutions, but instead we waste our time playing politics and chasing personal glory and a place in history. We need a royal commission into sexual abuse in Indigenous communities. We need an audit of spending on Indigenous programs, and we need to demand accountability and transparency of those charged with addressing these issues. We need to support practical policies and solutions for the lives of Indigenous Australians. So, during this Christmas period, keep in mind that there are those who are less fortunate and who are living in dangerous circumstances. Let's come back and stop playing these political games next year.

Western Australia: Planning and Development Legislation

Senator STERLE (Western Australia) (13:38): It gives me great pleasure, in these two minutes I have, to share with the Senate a magnificent achievement of the Cook Labor government in Western Australia. They've introduced what they call the Planning and Development Amendment Bill 2023, which enables the delivery of priority planning reforms which are identified through significant community and industry consultation undertaken over the past six years. Key elements of the bill to facilitate the acceleration of housing delivery and cut unnecessary red tape include a new permanent significant development pathway for projects; clearer decision-making in local government for single houses; changes to development assessment panels; updates to existing planning processes to further cut red tape and duplication; and reform of the West Australian planning commission.

The new permanent significant development pathway will create—and this is what is magnificent—a streamlined, efficient and coordinated pathway for complex proposals of more than \$20 million in the Perth and Peel regions and more than \$5 million in regional Western Australia. In a nutshell, to put it simply—and I'm prepared for the barrage of, 'We're going to defend some of these inefficiencies'—how many times has each of us heard about the frustration of waiting for developments from local councils? I don't care which local councils want

to have the argument with me, because the majority or in fact all of the people I speak to, whether it's Comcar drivers here or people back in Western Australia, express the frustration of trying to get some common sense in planning and development within local councils. Well, thank goodness, in the grand state of Western Australia, with a grown-up government under Premier Cook, they've circumvented that, and we can now get things moving—especially now, when we have such a housing crisis.

National Disability Insurance Scheme

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (13:40): The National Disability Insurance Scheme is in trouble. When it was established, Australians were told it would support 'reasonable and necessary' assistance to people living with a disability. But it has got out of control. The NDIS could cost taxpayers over \$100 billion a year by the next decade.

The NDIS has funded things that are anything but 'reasonable and necessary', such as music lessons, corporate box tickets, first class airline travel and even sex workers! A few years ago, it was revealed that more than 5,000 NDIS recipients were on support packages costing over a million dollars.

NDIS support isn't even means tested, but it should be. Millionaires who can easily afford care for themselves or their families are eligible for NDIS support.

Payment rates under the NDIS for various practitioners are up to three times higher than in other critical sectors like aged care, public health and veteran care. It's creating a shortage of these practitioners in these other critical areas. This is discrimination.

Equipment and contractor costs are also way over the top. This could be addressed with an NDIS card for recipients' plans, so that spending could be tracked in real time.

I have had ongoing discussions with Minister Bill Shorten and the department, to fix this mess up. I'm encouraged by his comments to restrict eligibility for minors with mild autism or developmental delay. He's right, in that there must be better support for these kids in the school system—but not in every school, as I've been saying for years. It's a start, but there's a long way to go.

One Nation supports the NDIS, but it must be made sustainable, to ensure it survives. And the way it's going now, it won't be. We can't afford where we're headed with this, and people who are on it who shouldn't be on it should be thrown off.

Parliament

Senator DAVEY (New South Wales—Deputy Leader of the Nationals and Deputy Leader of the Nationals in the Senate) (13:42): Over the past fortnight, I've had the privilege of hosting a young university student as an intern in my office. It was an opportunity for me to provide insights into the intricacies of parliamentary procedure while emphasising the importance of civic engagement.

So I asked him what he has learnt, being on this side. He said he's gained a firsthand understanding of the depth of commitment and dedication exhibited by the staff across all departments within parliament. Witnessing the relentless efforts and sacrifices made by individuals who tirelessly work here within the House and the chamber has been an eye-opening experience for him. He acknowledged the immense workload and the sense of responsibility that comes with serving the nation. The realisation that people are willing to set aside personal time, often leaving family and friends, in order to contribute to the smooth functioning of our country has left a lasting impression on him.

Understanding the symbiotic relationship between elected representatives, their staff, the staff of the parliament and the community at large, he recognised that an informed and participative public are the backbone of a thriving democracy. It is a reminder that fostering strong connections between elected representatives and the community is pivotal to ensuring that the voices and concerns of the people at the grassroots are heard and addressed effectively within Parliament House.

It has been a privilege to host this young student. I hope he goes back to university next year with a better understanding of the mechanisms of parliament and a renewed faith in our system.

Workplace Relations

Senator GREEN (Queensland) (13:44): Last week, the Liberal National Party members, who supposedly represent regional Queensland, voted against the Albanese Labor government's closing the loopholes bill in the House of Representatives. This is a bill designed to stop the sorts of labour hire rorts that we have seen and have become all too familiar with in the mining industry in regional Queensland. That's why the bill is called closing the loopholes, because it's time to stop these rorts. After all the years of these local MPs claiming that they support jobs

in regional Queensland, when they were given the chance in the House of Reps last week, they voted with Peter Dutton instead of for their community. They voted for loopholes, not against them.

When the Senate committee inquiry into the closing the loopholes legislation came to Central Queensland, Noah Chapman from Rockhampton said this:

... when I first started out at the mine where I'm at, all the tradesmen were on \$68 an hour. I started out there on \$13 an hour, which was 40 per cent of the award at the time, not 40 per cent of the tradesman's wage.

The Federal Secretary of the AMIEU, Matt Journeaux, said:

You now have a situation where two workers are working side by side doing the identical job, with one employed directly and one employed by labour hire. The labour hire worker will receive substantially less for doing the same work.

This isn't a new problem. Actually, in 2019, the member for Capricornia, Michelle Landry, said that she would wholeheartedly support the introduction of laws to prevent the amount of insecure work in the mining industry. But then she voted against them. Workers have been calling for years for laws to prevent big companies making agreements with workers for fair wages and conditions and then using labour hire to undercut those wages. The Albanese Labor government is determined to protect workers and lift wages.

Waste Management and Recycling: Soft Plastics

Senator WHISH-WILSON (Tasmania) (13:46): Governments must play a critical role in breaking our plastic addiction and reducing plastic pollution. Christmas is a time when the amount of waste Australia produces increases by 30 per cent. I don't doubt that the ongoing waste and recycling crisis in Australia will be on the minds of many Australians over summer.

The recent collapse of the soft plastics recovery scheme, REDcycle, exposed how desperately our nation needs real waste reduction, packaging and recycling reform. Coles and Woolworths took control of the REDcycle soft plastics stockpiles at the beginning of this year with an instore soft plastics recycling scheme scheduled to resume now at the end of the year. Yet here we are in December, going into Christmas, and still consumers have no options other than to toss soft plastics into their rubbish and ultimately landfill. Australians are furious about this. We know that most people want to do the right thing at home and sort soft plastics for recycling, but a lack of demand for recycled plastic is restricting investment in the new infrastructure required to recycle it in the first place. Hence, we are seeing more stockpiling of plastics.

So the big question is: why are plastic stockpiles getting bigger? And why is there a lack of demand for recycled plastic products and, therefore, no new investment in recycling infrastructure? It's because the government is still refusing to do its one important job—regulate the plastic producers, packaging industry and retailers with strong waste reduction and recycling targets set in law. It is a government responsibility to solve this problem. It shouldn't be a problem left to the consumer. Voluntary approaches have failed us for decades. A failure to mandate packaging waste targets in law means that big plastic producers won't be held accountable.

Minister Plibersek has signalled her intention to mandate national waste targets. However, she is moving at a glacial pace. This is infuriating many Australians. It must be an election issue if this is not dealt with soon.

Local Government

Senator BABET (Victoria—United Australia Party Whip) (13:48): The left-leaning Yarra Council has introduced a new flag policy—a policy that has Marxism written all over it. This new policy will see 20 minority flags, including nine different 'LGBTQI minus-sign, divided-by sign, square-root sign flags' flying alongside the Australian flag throughout the year. The council's three town halls will display the Australian flags, the Aboriginal flag and the Torres Strait Islander flags daily, but a fourth flagpole will be installed at each location so councillors can virtue signal year-round.

Allow me to list some of the flags that the Yarra Council intends to fly—some of the fetish flags, in my opinion. There's the aromantic flag, the asexual flag, the bisexual flag, the Brisbane Lions football club flag—because why not?—the intersex inclusive pride flag, the lesbian flag, the Morning Star flag—whatever the heck that is—and the non-binary flag of course. The pansexuals are not forgotten—they get a flag day as well. They'll display the transgender flag and the Vietnamese yellow flag. God knows the council wouldn't be doing their job if they didn't also fly the United Nations flag.

But get this—and this is even worse—three times a year, including on Australia Day, the Australian flag will be removed completely and the Aboriginal and Torres Strait Islander flags will be flown at half-mast. Here is an idea. Why don't the Yarra council ditch their virtue-signalling plan for flags of many colours and just raise the white flag instead? It's time for an election in Yarra. It's time to clear all of these people out. We are all Australians. It's about time we started acting like it. Run that up your flagpole.

Murphy, Ms Peta Jan

Senator RUSTON (South Australia—Manager of Opposition Business in the Senate) (13:50): I rise to speak on the incredible legacy of Peta Murphy, for whom we've heard moving condolences in the other place today. The impact that Peta's passing has had on the parliament, her colleagues, her family and her friends reflects the significant impact that Peta had on the broader Australian community and on the health outcomes of Australian women, particularly those battling metastatic breast cancer.

Peta's personal strength and resilience was absolutely undeniable. She faced a difficult battle against the harsh and insidious adversary that is breast cancer, not once but twice. Her second diagnosis was only days before she was due to come into this place as a member of parliament, yet her strong conviction to advocate for the matters that mattered most to her and her unrelenting passion kept her in this place every day she could be here.

Peta was a powerful advocate, particularly for breast cancer awareness, treatments and funding. Her advocacy encouraged more women to book themselves in for a check-up and allowed more women to benefit from early detection—something that, sadly, Peta didn't have the opportunity to do. We know that that is critical for someone to survive. This is an inspiring legacy that has literally saved the lives of Australian women and will no doubt continue to do so.

I had the privilege of engaging in genuine discussions with Peta throughout our shared time in support of Breast Cancer Network Australia, which she was an invaluable contributor to and supporter of. I was also privileged to attend the launch of BCNA's new report last week on how we can make metastatic breast cancer count through critical data collection, which I know she felt strongly about, even though she wasn't able to attend. This was a poignant opportunity to recognise the incredible advocacy of Peta, whose legacy will live on as we continue her important work to achieve better outcomes for women battling breast cancer and for those who are at risk of diagnosis. Peta, it was a privilege to have known you.

Carers

Senator TYRRELL (Tasmania—Jacqui Lambie Network Whip) (13:52): How much does it cost to care? The truth is that it isn't costing us enough. My office in Launceston is located in a working-class area. I've noticed it's a carers hub. I'm smack bang between a hearing clinic and an optometrist. I give a shout-out to the girls at Eyelines. I miss you all. Every day there are people outside my office taking time out of their day to care for someone else. Despite being the most active volunteers in our communities, carers go largely unnoticed. Don't worry, legends, I see you.

One in 11 people in this room have caregiving responsibilities. In my home state of Tasmania it is one in six. That's 80,000 Tasmanians providing unpaid care. Increasing cost-of-living pressures and workforce shortages are forcing more people into unpaid caregiving roles. In Tasmania there are over 9,000 carers under the age of 25. That's kids and young adults putting everything on hold to care for someone they love. For some it's temporary and for others it will be a lifelong commitment that could end up costing \$1 million in lifetime earnings and over \$400,000 in retirement savings. We can't keep asking Australians who are already sacrificing so much to also bear the losses.

In Tasmania alone their care has saved our health system \$2.2 billion. Yes, there are services in place to provide support, but there are not enough. They need financial security. That's why I think paying superannuation on carers payments makes sense, but the government can't afford to do it for everyone. What if we limit payments to only carers under 40 and only for the first two years? It would cost about \$60 million a year, but it would actually end up saving us money. The budget would actually be healthier by making these payments. It would support people to retire in dignity and help the budget at the same time. So if you were to become a carer tomorrow, what value are you willing to place on caring for a loved one?

United Nations Declaration on the Rights of Indigenous Peoples Bill 2022

First Nations Australians

Senator THORPE (Victoria) (13:54): This morning we saw the Australian government vote down the rights of Indigenous people in this country. Yes, the Labor Party voted down our right to determine our own destiny. They voted down our right to decide on free, prior and informed consent. What a shameful day it is for people in this country to have this government, who say that they are our friends. However, when it comes to votes in here, it's an absolute disgrace. And you should all be ashamed of yourselves. You are not our friends.

Today we had a roundtable of people who are our friends. We had ambassadors from Zambia, Mexico and Palestine. Palestine turned up for First Nations people in this country, today, for our rights—in the middle of what's going on over there and the genocide that's occurring, that this government still won't stand up and speak against. We also had people from Korea, El Salvador, Argentina and the Solomon Islands. We had the Australian Human

Rights Commission there, whose recommendation was the implementation of the United Nations Declaration on the Rights of Indigenous People.

We need to stop relying on this colonial government. Labor, Liberal, the Nats—they're all the same, right? They all deny our rights as First People in this country.

We need to build solidarity now, as a people in this country, because we are building international solidarity. And we'll continue to call out the ongoing genocide that the Labor Party have now signed up to.

South Australia: Climate Change

Senator ANTIC (South Australia) (13:56): This week, South Australia's Chief Public Health Officer, Professor Nicola Spurrier, proclaimed that SA was in a state of 'permacrisis'. How frightening! Coincidentally, I recently suggested some names myself that people could use to 'scare up' the so-called 'climate crisis', including things like 'global climate inferno' and 'mega universe heat death', all of which are much scarier, I might say, than 'permacrisis'. But hats off to SA Health for trying.

What does the South Australian temperature data really show us? In fact, it shows us that it's flatlining. There is no predictable increase.

Notwithstanding this, the professor has called climate change, 'the most significant global threat to human health,' and said that climate change is likely to lead to an exacerbation in heart, lung and kidney disease. Really! Professor Spurrier then went on to say, 'We need to respond to this threat today, not tomorrow or in the distant future.'

Now, I've been saying for a while that you can look forward to a future of climate lockdowns, and this doesn't give me any cause to veer away from that statement. Yet, despite this supposed emergency, Labor still don't seem to have any plans to overturn the moratorium on nuclear energy and develop a nuclear energy industry, which would create cheaper energy and reduce carbon emissions. If there is a climate emergency, why has that been taken off the table? You'd think that using every resource at our disposal would be in order, yet only the renewable investors seem to benefit from the response to this 'imminent global catastrophe'.

Thankfully, though, more Australians are starting to wake up to this narrative. The narrative itself is no longer sustainable, because for every action there's an equal and opposite reaction, and the harder they try to impose this narrative on us, the harder people are pushing back. Just ask the Dutch farmers.

International Volunteer Day

Senator BILYK (Tasmania) (13:58): Yesterday, 5 December, marked International Volunteer Day. This important day recognises and celebrates the efforts and dedication of volunteers across the globe, including the millions of Australians who freely give up their time for the benefit of us all.

Yesterday, here in Canberra, I had the pleasure of meeting with Mark Pearce, the CEO of Volunteering Australia. Mark reminded me that at the heart of volunteering is aspiration. It is, after all, an aspiration for a better world and a better tomorrow that drives people to volunteer and make a positive difference.

Our meeting was also an opportunity to get an update from Mark on the National Strategy for Volunteering 2023 to 2033. As well as providing a blueprint for the next 10 years, the strategy will also be used to inform government on policy development for a more inclusive volunteering framework that will enable volunteering to thrive across Australia. The theme of this year's International Volunteer Day is 'If everyone did'. Imagine how much better this world would be if eight billion of us volunteered. Imagine the limitless opportunities for a more inclusive and equitable world this would represent. The positive impact made by millions of volunteers across Australia cannot be underestimated, and I wish to thank each and every person—

The PRESIDENT: The time for senators' statements has concluded.

QUESTIONS WITHOUT NOTICE

Immigration Detention

Senator KOVACIC (New South Wales) (14:00): My question is to the Minister representing the Prime Minister, Senator Wong. In an extraordinary press conference today, Attorney-General Mark Dreyfus and Ministers Clare O'Neil and Andrew Giles refused to apologise to any members of the Australian community who were subjected to misdeeds by some of the detainees that your government released into our community. Will the Prime Minister apologise to those Australians, or does he stand with his Attorney-General and ministers in refusing to apologise?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:00): I thank the senator for her question. The first point I would make is, again, the senator is using Senator Cash's political words of 'your government released'. The senator would know that this was not a choice to release; this was imposed upon the Australian government by the High Court of Australia.

Senator Cash interjecting—

Senator WONG: No amount of interjection from the shadow Attorney-General can obviate that fundamental fact: this was imposed on us by the High Court.

The second point is this. This is a serious issue. The government understands that Australians are concerned about community safety. We understand and are similarly appalled by reports of reoffending by those that the High Court required us to release. I do express my thoughts to those who have been impacted by the court ordered release of this cohort. You have heard me say in here many times in various contexts that everyone deserves to feel safe and to live in safety, and that is certainly the approach the government seeks to take in a situation where the High Court has imposed its decision to release.

Within a week and one day of the decision, the government had in place a visa regime with conditions attached. We had already set up a new regime of community protection, establishing a joint operation between police and the Australian Border Force, who are case-managing each of these individuals in the community. I am also advised that the AFP and the Australian Border Force briefed state and territory premiers and chief ministers on Operation AEGIS, further ensuring all jurisdictions are working together to keep our community safe. Tonight, in the House, the opposition will have the opportunity to support the legislation we passed in this place yesterday for a tough preventive detention regime.

The PRESIDENT: Senator Kovacic, first supplementary?

Senator KOVACIC (New South Wales) (14:02): The Attorney-General labelled the question from Olivia Caisley of Sky News asking whether the ministers would apologise as 'absurd'. Do you agree that it is absurd to think that Australians harmed by these detainees may actually be owed an apology?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:03): I accept that Australians harmed by those who the High Court required be released are distressed, angry and upset. I accept that. The government accept the government's responsibility when faced with a High Court decision that we had no choice over.

Senator Ruston interjecting—

The PRESIDENT: Order, Senator Ruston! I have called for order. I expect senators to listen in silence.

Senator WONG: I may have lost my train of thought on that. But I accept the government's responsibility—and we all do—to act to do all we can to ensure community safety when faced with a High Court decision which we argued against and which required the release of these people.

The PRESIDENT: Senator Kovacic, second supplementary?

Senator KOVACIC (New South Wales) (14:04): The Attorney-General was aggressive and condescending in his bullying approach in response to the question from Ms Caisley. Do you believe this is an appropriate way for government ministers to conduct themselves? Does the Attorney-General owe Ms Caisley an apology?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:05): As a matter of principle, we all have a responsibility to act appropriately to one another. There are obviously times when all of us might fall short on that. We have seen in this place—

Honourable senators interjecting—

The PRESIDENT: Senator Birmingham and Senator Watt. Order! Minister Wong, please continue.

Senator WONG: Thank you, President. We've seen in this place, at times, people behaving in ways which perhaps, in hindsight, they might think was unwise. Certainly, there's been a fair degree of shouting and aggression at times in this chamber. I'd invite people to recall how—

Senator Cash interjecting—

Senator WONG: I was coming to that. That is a reasonable proposition, Senator Cash.

The PRESIDENT: Minister Wong, please resume your seat. Senator Cash and Senator Ruston, I have already lost count, in the first few minutes of question time, of how many times I have called you to order—and Senator McGrath. When I call the chamber to order it includes every senator in this place. Minister Wong, please continue.

Senator WONG: I am trying to respond to a serious question in a serious way. We should all aspire to those standards to behave— *(Time expired)*

Senator Ruston interjecting—

The PRESIDENT: Senator Ruston, I must have called you about seven times. I am not going to go for an hour calling you to order. I am asking senators to respect my order, and that includes you, and it includes you to be respectful and silent.

Health Care

Senator STEWART (Victoria) (14:07): My question is to the Minister representing the Minister for Health and Aged Care, Senator Gallagher. Before the 2022 general election, Labor committed to opening 50 Medicare urgent care clinics across Australia as part of its promise to strengthen Medicare. With these urgent care clinics now being opened across the country, could the minister please update the Senate on how many clinics are open and what role these clinics are playing in the Albanese government's efforts to strengthen Medicare and make health care more affordable for all Australians?

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) (14:07): I thank Senator Stewart for the question and for the work that she does in the state of Victoria, advocating for improved access to affordable health care for her constituents. There are now 48 Medicare urgent care clinics open and operating, with the Alice Springs Medicare urgent care clinic, which opened this week, and the Rockhampton urgent care clinic, which opened today. Forty-eight clinics are up and running, with 10 more to be opened by the end of this month. In the election campaign we promised 50 Medicare urgent care clinics, but we will deliver 58 by the end of this year. They're operating seven days a week for extended hours and are open to walk-in patients who need urgent care for non-threatening emergencies for themselves or for their children.

Some of the results that we're seeing are excellent. There have been 75,000 presentations to Medicare urgent care clinics, just in the last few months. Importantly, a third of these patients have been under 15 years of age, so we know they are working for families with children. Nearly a third of the visits have taken place on weekends, which is, again, something the model sought to address: the fact that often you are unable to access primary health care on the weekend, and that would result in long waits at hospital emergency departments. On weekdays, more than one in five visits take place after hours.

We are getting a lot of feedback, particularly from parents with children who have experienced fractures, about how great the service is and that they're not required to wait at emergency departments. This is an important initiative. It's working well. We're doing it in conjunction with states and territories to make sure that the primary healthcare system is supporting the tertiary healthcare system. And, of course, this builds on the work that was achieved today at National Cabinet in relation to partnerships on health and hospital services.

The PRESIDENT: Senator Stewart, first supplementary?

Senator STEWART (Victoria) (14:09): Thank you for the update on the urgent care clinics, Minister. Bulk-billing is an essential feature of Medicare. What action is the Albanese government taking to ensure that more Australians are able to access a bulk-billed GP appointment when they need it? Why is it important to strengthen Medicare?

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) (14:10): I thank Senator Stewart for the supplementary question. Obviously, the Medicare urgent care clinics are a part of this because they are free of charge, bulk-billing centres for those patients that use them. Alongside that, we're addressing the pressures in primary health care in a number of ways. Other measures include the tripling of the bulk-billing incentive, which took effect from 1 November. The college of GPs called this 'a game changer'. It is early days, but we're already seeing the number of clinics around the country that are returning to bulk-billing after decades of cuts and neglect. For example, in New South Wales, in one clinic, we saw the rate of bulk-billing in September, when half of appointments were bulk-billed, rise to two-thirds in November. This is an important change. It shows that our focus on affordability and accessibility of health care is working.

The PRESIDENT: Senator Stewart, second supplementary?

Senator STEWART (Victoria) (14:11): How is the Albanese government further strengthening Medicare by making health care more affordable for Australians by making medicines cheaper?

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) (14:11): I thank Senator Stewart for that final question. Building on the tripling of the bulk-billing incentive, in terms of the extra clinics that we're opening in the Medicare urgent care clinics, 48 are open and 10 more will open by the end of this year. We have also introduced important changes to make sure that medicines are cheaper for Australians. Already this year, around two million pensioners and concession card holders have benefited from the decision last year to cut the maximum amount they would pay for all their medicines by 25 per cent, which was the first wave of our cheaper medicines policy. That means a lot of people are paying less. General patients are getting cheaper medicines through the biggest cut to the price of medicines in the 75-year history of the PBS from 1 January, which is the second wave of our cheaper medicines reform. From 1 September, four million Australians were able

to go to their doctor and ask for a 60-day script for around a hundred common medicines, which was the third wave of our cheaper medicines reform.

Immigration Detention

Senator LIDDLE (South Australia) (14:12): My question is to the Minister representing the Prime Minister, Senator Wong. A front-page report in today's *Adelaide Advertiser* headlined 'Crime pays for released asylum seekers: Albo's free everything' quotes documents released by the Department of Home Affairs under FOI that show the travel and accommodation expenses of convicted paedophiles, rapists, murderers and a contract killer were funded by the federal government after their release from detention. The article says:

'... if a person was located and detained in New South Wales, but held in an immigration detention facility in Western Australia, if requested, arrangements should be made for that person to travel back to NSW,' the document reads. 'Travel may include by road, rail or air, as would be fair and appropriate in the circumstances.'

Minister, how much has the government spent so far on travel, accommodation and other expenses for the released detainees, including paedophiles, rapists, murderers and a contract killer?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:13): Thank you to the senator for the question. I'm advised that the arrangements made for the persons concerned are the same arrangements as Mr Dutton had in place when he was home affairs minister.

The PRESIDENT: Senator Liddle, first supplementary?

Honourable senators interjecting—

The PRESIDENT: Order! I have Senator Liddle on her feet. I expect silence.

Senator LIDDLE (South Australia) (14:14): Minister, how much has the government spent so far on travel accommodation and other expenses for the released detainees, who, as I mentioned, included paedophiles, rapists, murderers and a contract killer?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:14): The same amount they would have spent if Mr Dutton was still the home affairs minister.

Honourable senators interjecting—

The PRESIDENT: Order!

Honourable senators interjecting—

The PRESIDENT: Order! Senator McKenzie! Senator Cash, I have reminded you before about clapping. This is not a football stadium. It is question time. Your responses should be respectful, and you should listen to the minister in silence. Senator Liddle, second supplementary?

Senator LIDDLE (South Australia) (14:14): Minister, if they travelled—thanks to the federal government—were they accompanied? And for how long will the Albanese government continue to pay for the accommodation and personal costs of these hardened criminals?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:15): I again indicate these are the same arrangements which were in place when Mr Dutton was home affairs minister. The fact that the opposition is again seeking to have a fight about this demonstrates that their agenda is much more about fighting the government than keeping Australians safe.

Assange, Mr Julian Paul

Senator SHOEBRIDGE (New South Wales) (14:15): My question is to the Minister representing the Attorney-General and the Minister for Foreign Affairs.

Senator Wong interjecting—

Senator SHOEBRIDGE: Well, I will put it to the Minister for Foreign Affairs then. The recent UK court decision in the Rwanda case of *AAA v the Secretary of State for the Home Department* found the courts should not simply accept assurances from other countries that a person once deported would not face torture or other serious consequences. Minister, have you sought advice concerning this recent ruling and how it impacts Julian Assange's case?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:16): It might have been better to go to the Attorney-General on this. I don't immediately recall the case you are talking about. In relation to Mr Assange, I have made clear, as has the Prime Minister, that we do believe this matter has dragged on too long. We want this matter brought to a close and we have made statements, both privately and publicly, to that effect. The proposition that you have continued to put forward in this matter is that somehow the

Australian government can interfere with a Department of Justice matter or with the UK legal matters which are before the courts and, as a former lawyer of some distinction, as you impress upon us—

Senator Scarr interjecting—

Senator WONG: That's unfair? He doesn't impress that on us? Okay, I won't say he impresses that on us; that's fine.

Senator McGrath interjecting—

The PRESIDENT: Order! Senator McGrath. Minister, please continue.

Senator WONG: I will take the interjection. You might recall his interaction with Senator Watt, where he was telling Senator Watt what he did or did not know. I will go back to the question.

Senator Whish-Wilson interjecting—

The PRESIDENT: Senator Whish-Wilson, one of your senators is on his feet and you are busy interjecting. Senator Shoebridge, on a point of order?

Senator Shoebridge: Two points: the first is relevance and the second one is seeking to sledge in the manner the minister does is deeply inappropriate. She should apologise.

The PRESIDENT: Senator Shoebridge, the minister is being relevant to your question, thank you.

Senator WONG: I am happy to withdraw that you impress about your distinction as a lawyer. I do understand—

The PRESIDENT: Minister Wong, please resume your seat. Senator Shoebridge, on a point of order? Or resume your seat.

Senator Shoebridge: The point of order is those kinds of sledges from the minister are contrary to the standing orders and she should know better.

The PRESIDENT: Senator Shoebridge, resume your seat. As we all know, this is a robust chamber. It should not be disorderly or disrespectful. I did not rule that Senator Wong needed to withdraw. I will ask her to continue her answer to your question to which, as I said before, she is being relevant.

Senator WONG: As I said, the Australian government is not able to intervene in another country's legal or court processes, just as another country is not able to intervene in a legal or court process in Australia.

Senator Whish-Wilson interjecting—

The PRESIDENT: Order, Senator Whish-Wilson. Senator Whish-Wilson, you don't have the call. You are being disrespectful. The minister is answering the question. Minister Wong.

Senator WONG: I'll repeat it: we have said there's nothing to be gained by Mr Assange's ongoing incarceration, and we have made those views clear to both the UK and the United States— *(Time expired)*

The PRESIDENT: Senator Shoebridge, first supplementary?

Senator SHOEBRIDGE (New South Wales) (14:20): Minister, in Assange's 2021 case, the UK judge ruled Assange could be deported based on assurances from the United States. What inquiries, if any, has your government made about the US government's assurances in this case?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:20): I again say we have made clear that we do not believe there is anything to be served by Mr Assange's ongoing incarceration. The Prime Minister and I have both personally expressed this view to the governments of the United States and the United Kingdom. We will engage diplomatically, and we will continue to do what we can to achieve an outcome. But, while we are doing what we can between governments, there are limits until Mr Assange has concluded his legal processes. I have made that very clear on a number of occasions. I appreciate that doesn't suit the assertions you make, but those are the facts, Senator Shoebridge. There are limits on what a government can do in relation to the legal proceedings brought in and by other countries in non-Australian jurisdictions. *(Time expired)*

The PRESIDENT: Senator Shoebridge, second supplementary?

Senator SHOEBRIDGE (New South Wales) (14:21): Minister, if you're actually genuine about trying to bring this to a rapid close, will the government call on the UK home secretary to refuse to give consent to extradition, as that is a political decision—not a legal decision; a political decision. Will you make the political call?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:21): I think the opening of that question demonstrates, yet again, that Senator Shoebridge is upset with other people sledging him but is always very happy to impugn the motives of others. I'm not going to ask you to withdraw, and I'm not going to make any other comment there. It demonstrates, yet again—

Senator Shoebridge interjecting—

Senator WONG: It was in your question, Senator Shoebridge.

Senator Shoebridge interjecting—

The PRESIDENT: Senator Shoebridge, you are being disorderly and disrespectful. You've asked your question. The minister is answering. Minister Wong, please continue.

Senator WONG: Senator, if you're worried about me responding to the sledge then don't put it in the question. How about that? Don't put it in the question.

Senator Shoebridge: The standing orders actually require an effort to answer the question, and, again, the minister is showing disrespect to the Senate by refusing to answer the question.

The PRESIDENT: Senator Shoebridge, why are you on your feet?

Senator Shoebridge: Relevance.

The PRESIDENT: Senator Shoebridge, you are now being disrespectful to me in my role as the President. I asked you three times why you were on your feet.

Senator Shoebridge: Relevance.

The PRESIDENT: The minister is being relevant, thank you very much. Minister Wong, please resume your seat. As you are well aware, Senator Shoebridge, the minister is entitled to answer any part of your question. If you don't want answers to parts of your question, don't ask them. Minister, please continue.

Senator WONG: I think the question relates to whether or not there will be political-level engagement, and my answer is: there is. I don't know what else—

Senator Whish-Wilson interjecting—

The PRESIDENT: Order! Senator Whish-Wilson, this is not your question. I've called you to order at least four times.

Honourable senators interjecting—

The PRESIDENT: Order!

Senator WONG: It really is difficult for you to decide who's going to get the limelight on this question, isn't it? But the answer is—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Shoebridge, I invite you to make your points at taking note. You've asked your question.

Senator Shoebridge interjecting—

The PRESIDENT: Senator Shoebridge, you are not in an argument or a debate with me. You are being disrespectful towards me. Minister, please continue.

Senator WONG: I don't know what you call a representation from the leader of the country to the leader of a country, or from the foreign minister of the country to the foreign minister of a country, if it's not both diplomatic and political-level engagement.

Housing

Senator URQUHART (Tasmania—Government Whip in the Senate) (14:24): My question is to the Minister representing the Minister for Housing and Minister for Homelessness, Senator Farrell. After a decade of delay and dithering on housing, the Albanese government has committed to an ambitious housing reform agenda to boost the supply of housing and help get more Australians into a house. Can the minister provide an update to the Senate on what the Albanese government is undertaking to improve the affordability and accessibility of housing in Australia?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:25): Can I thank Senator Urquhart for her very important question. The Albanese government's ambitious housing reform agenda is about boosting the supply of housing. We are delivering more homes for Australians who need them. The \$10 billion—

Honourable senators interjecting—

Senator FARRELL: Well, if you listen, I'll give you the answer. The \$10 billion Housing Australia Future Fund will deliver 30,000 new social and affordable rental homes. The National Housing Infrastructure Facility was expanded with up to \$575 million and a commitment for a further \$1 billion for even more social rental homes. The \$2 billion Social Housing Accelerator will deliver around 4,000 new social homes right across Australia. We've delivered the largest increase in Commonwealth rent assistance in over 30 years. National Cabinet has committed

to a better deal for renters to harmonise and strengthen renters' rights across Australia. More than 86,000 people have been helped into homeownership since the election of the Albanese government through the Home Guarantee Scheme. We now have introduced legislation for our Help to Buy shared equity scheme. This life-changing legislation builds on programs like the Regional First Home Buyer Guarantee and the expanded Home Guarantee Scheme, which are already helping tens of thousands of people into homeownership. At every opportunity, the Albanese government has added to its housing agenda, and it will keep delivering to ensure more Australians have a safe and affordable place to call home.

Senator Birmingham: President, I raise a point of order. Senator Farrell did promise me that, if I listened carefully, he would tell me how many houses have been built—

The PRESIDENT: Senator Birmingham, that is not a point of order.

Senator Birmingham: I have been trying to listen carefully, Senator Farrell, and I still haven't heard the answer.

The PRESIDENT: Senator Birmingham! I have called you three times. Resume your seat. Minister Farrell, have you concluded your answer? Thank you. Senator Urquhart, first supplementary?

Senator URQUHART (Tasmania—Government Whip in the Senate) (14:27): Thank you, Minister, for that answer. It's encouraging to hear the Albanese government is showing national leadership and offering support to make sure that Australians have an affordable place to call home. Some people think it's funny, but I don't. Can the minister provide more information to the Senate about the Albanese government's significant investment in the Help to Buy scheme and how it will bring homeownership back into reach for more Australians?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:28): I thank Senator Urquhart for her first supplementary question, and, yes, I can answer that question. She knows that, for Australians trying to buy a home, Help to Buy will be life-changing. Help to Buy supports eligible homebuyers with just a two per cent deposit through an equity contribution, bringing homeownership back into reach for thousands of Australians, particularly renters. Disappointingly, we saw those opposite team up with the Greens to delay this life-changing legislation in this place, causing meaningful delays to renters wanting the stability and security of their own home. I can assure Senator Urquhart that, despite the efforts of the Greens, the Albanese government has helped 1,120 Tasmanians into homeownership. With Help to Buy, we will help even more.

The PRESIDENT: Senator Urquhart, second supplementary?

Senator URQUHART (Tasmania—Government Whip in the Senate) (14:29): Thank you, Minister, for that update. It's heartening to hear that the Albanese government continues to take steps to support more Australians to move into homeownership. We know that secure and safe housing is vital to supporting Australians who are at risk of or are experiencing homelessness. Can the minister provide an update on how the Albanese Labor government is helping to deliver more secure housing for women experiencing, including in my state of Tasmania?

Senator FARRELL (South Australia—Minister for Trade and Tourism, Special Minister of State and Deputy Leader of the Government in the Senate) (14:29): I thank Senator Urquhart for her second supplementary question, and yes, I can answer that question. The Albanese government's \$2 billion social housing accelerator is delivering more social housing for Tasmanians, helping to get Tasmanians who are at risk of homelessness into safe and secure housing. Minister Julie Collins, a wonderful minister from Tasmania, has just this afternoon announced a joint partnership with the St Vincent de Paul Society to deliver a \$16.7 million development of 38 new homes in Hobart for women over 55 who are experiencing homelessness. We know that access to safe and secure housing is life changing for people who are experiencing homelessness. This project delivers on our commitment to supporting vulnerable women right across Australia, including in Senator Urquhart's home state of Tasmania. (*Time expired*)

Indigenous Organisations

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (14:31): My question is to the Minister representing the Minister for Indigenous Australians, Senator Gallagher. I have previously asked questions and written to the Prime Minister and to Ministers Burney and Rishworth about investigations into alleged corruption at Aboriginal Community Services, or ACS, an Adelaide based Indigenous organisation supposed to be providing aged-care assistance in South Australia's APY Lands. I have had no response to any of it. Will the minister please confirm if ACS has been placed into administration or receivership, and if not, will the minister please identify the people leading this organisation and managing its taxpayer funding?

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) (14:31): I thank Senator Hanson for the question and for the heads up that she was going to ask a question around this. This organisation, Aboriginal Community Services, is registered under South Australian law. It's not within

the jurisdiction of the federal Registrar of Indigenous Corporations. Therefore, its administration is a matter for the South Australian government.

I'm not sure if I heard your question correctly. I understood that the Minister for Indigenous Australians had written to you, although I heard you say in your question that that she hadn't. I will chase that up. In terms of investigations that would be done by the Commonwealth, I think the answer is that this is a matter under the South Australian law. I do have a response from Minister Burney to you, Senator Hanson, on 4 September this year, when she confirmed that in writing to you and that that organisation has not received funding from the National Indigenous Australians Agency. It did enter into voluntary liquidation on 5 May 2022. I don't know if that is helpful for you, but as far as the information I've been able to provide for you today, that's the advice that I have.

The PRESIDENT: Senator Hanson, first supplementary?

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (14:33): I have also previously asked questions about the status of an investigation into alleged corruption by leaders of the National Aboriginal and Torres Strait Islander Corporation, or NATSIC. Will the minister please confirm if this investigation has now been made the responsibility of the Office of the Registrar of Indigenous Corporations, or ORIC, more than two years after the investigation was moved from ORIC to the Department of Social Services because of ORIC's incapacity to do the job?

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) (14:34): I thank Senator Hanson for the question. I understand that DSS has referred NATSIC to the Office of the Registrar of Indigenous Corporations for consideration of potential offences under the C(ATSI) Act. The registrar, who is an independent statutory officeholder, does not make public comment on whether an investigation into offences under the C(ATSI) Act is underway or not, so as not to jeopardise any investigations or regulatory actions. I also note that NATSIC entered voluntary liquidation on 5 May 2022.

The PRESIDENT: Senator Hanson, second supplementary?

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (14:34): Thousands of Indigenous corporations, land councils and charities have for decades been provided with hundreds of billions of taxpayer dollars intended to address Indigenous disadvantage and close the gaps. The referendum has exposed this industry and its failure, and Australians are demanding answers. Minister, when will the Albanese Labor government undertake a crucial comprehensive audit of this money and these organisations to determine why they have failed to close the gaps?

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) (14:35): There are a number of ways, and I think we've spoken about this before. The Audit Office has tabled reports into the administration of the arrangements under the National Indigenous Australians Agency, and those recommendations have been implemented by NIAA. Since 2014, ANAO has conducted more than 20 performance audits into Indigenous affairs. The ANAO report released earlier this year found that NIAA was not meeting legislated requirements in certain areas, and compliance systems have been put in place. It was under the former government, of course, that that audit was taken.

I would also say that what we do see, across the community services sector, is that you do need to have in place appropriate avenues for investigations where there are allegations of concern. *(Time expired)*

National Security

Senator REYNOLDS (Western Australia) (14:36): My question is to the Minister representing the Prime Minister, Senator Wong. Minister, this week we learnt that a detainee that your government released into the community had been charged with nine offences, including failing to comply with reporting obligations by contacting a child without reporting it to the police. It was also alleged he used a mobile phone service and created email, TikTok, Instagram and Bigo accounts without informing the police. This detainee was jailed in 2012 for running a prostitution syndicate that preyed on children in state care and once traded a packet of cigarettes for sex with a 13-year-old girl. My question is this: will your government apply for a community safety detention order in relation to this detainee?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:37): Senator, first—and thank you for the question—I think all of us are horrified to read of some of this individual's offending history. As I said yesterday—and I hope this is above politics—everyone in this chamber, all of us, want our children to be safe. I would demur, or take issue with, again, the wording of your question, Senator Reynolds. The coalition—because you are focused on a political fight, not on fixing this—continue to suggest that it is a choice of the government to release these individuals.

Senator Cash: Well, it is.

The PRESIDENT: Senator Cash!

Senator Cash: Will you apply for a community detention order?

The PRESIDENT: Senator Cash!

Senator Cash interjecting—

The PRESIDENT: Senator Cash, you're not arguing with me. I am calling you to order. Minister Wong, please continue.

Senator WONG: I again say those opposite continue in their attempt to make this a political issue, using words, which they know to be incorrect, which suggest that the government made a choice. The government did not make a choice. The government had—

The PRESIDENT: Order! Senator Wong, please resume your seat. Senator Reynolds?

Senator Reynolds: Thank you, Madam President. I have a point of order on relevance. Well over a minute into the answer, the minister has come nowhere near answering the very specific question of whether the government will apply for a community safety order.

The PRESIDENT: Thank you, Senator Reynolds. There was a preamble to your question, and the minister is being entirely relevant to the question.

Senator WONG: Thank you, and I again make the point that Senator Reynolds chose in her question to use a form of words that Senator Cash and others have used in an attempt to politicise this issue and to suggest that it is a government's choice. It is not a government's choice. This decision—

Opposition senators interjecting—

Senator WONG: No, this decision was imposed on us by the High Court.

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

Senator Reynolds: Again, I rise on a point of order. It was a very specific question, and the minister has 24 seconds less. The question was: will they be applying for the order?

The PRESIDENT: Senator Reynolds—

Senator Reynolds: The minister has come nowhere within cooee—

The PRESIDENT: Senator Reynolds—

Senator Reynolds: of answering the question. I would very—

The PRESIDENT: Senator Reynolds, this is not a time for you to make a debate with me. Resume your seat. Senator Reynolds, you are disobeying my request. The point of order was exactly the same as the point of order you made before. The minister is—

Opposition senators interjecting—

The PRESIDENT: Order! Do not interject against me. A senator has a right to call a point of order. It's a short, sharp request. It is not a statement. I didn't ask you to relitigate the question. The point of order was exactly the same as the one you made before, and my ruling is exactly the same, and that is that the minister is being directly relevant to your question.

Senator WONG: When these laws are finalised in the parliament, the parliament and the government will have fixed the mess which Mr Dutton left, and these detention orders can be sought.

The PRESIDENT: Senator Reynolds, first supplementary?

Senator REYNOLDS (Western Australia) (14:40): Given the complete lack of accountability to the people in the community, who will now want to know whether this community safety order has been granted, I've got a second question, but I suspect that the minister will not answer this one either. Minister, last week we learnt that another detainee your government released into the community has been charged with indecently assaulting a woman in South Australia. He was a convicted sexual predator who was once labelled by a judge as a danger to the community. Will there be a community safety order on this one? (*Time expired*)

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:41): First, I again say that the opposition continue to formulate their questions in a way that seeks to attribute more politics to this. I again say to the senator—and she might want to consider her final supplementary—that the decision of the High Court was imposed on the government. The government did not make a choice. The government did not make a choice to release others. I understand that in their attempt to—

The PRESIDENT: Senator Reynolds?

Senator Reynolds: Again, a point of order on relevance. My question was very clearly about whether they'll apply a community safety detention order. It was very clear, and again the minister is refusing to be accountable to the community in South Australia about this released criminal.

The PRESIDENT: Senator Reynolds, you are now getting into argument and statement. Your point of order also referred back to the primary question, and the minister is entitled to answer the whole of the question, including the comments you made in the opening statements. The minister is being entirely relevant.

Senator WONG: I again make the point that the parliament will, by the end of today, I hope, have resolved not one but two of Peter Dutton's laws which were found to be unconstitutional. That will ensure that ministers can make decisions, as appropriate, under a constitutionally effective regime.

Opposition senators interjecting—

The PRESIDENT: Minister Wong, I do remind you to refer to others—

Senator WONG: Mr Dutton.

The PRESIDENT: Senator Reynolds, second supplementary?

Senator REYNOLDS (Western Australia) (14:43): When will the first community safety detention order be sought by your government and how many detainees has the government determined to seek orders over, including those who were the subject of my first two questions?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:43): I would make the point—and this demonstrates yet again that those opposite want to fight, not fix—that the opposition was specifically briefed on the risks associated with prejudicing a case by talking about specific individuals. But, despite that, they have continued to ask questions in this place. You were specifically briefed. It really demonstrates that you are much more interested in making political points and fighting than fixing this.

The PRESIDENT: Minister Wong, I have Senator Reynolds on her feet.

Senator Reynolds: Again, a point of order on relevance: 30 seconds in, the minister again, for a third time, has not come close to answering a question without a preamble. The minister is now implying that this question is out of order.

The PRESIDENT: Senator Reynolds, you have called your point of order.

Senator Reynolds: It is a question I believe is not out of order. I seek your ruling.

The PRESIDENT: I've asked you a couple of times not to go into a long statement. The minister is being relevant to your question and is explaining how and in what circumstances the question can be answered.

Senator WONG: Through you, President: no, Senator, I'm not implying the question is out of order. What I am asserting is that you have been briefed on the legal prejudice which might apply to matters when you deal with specific individuals in this way. Secondly, if you really cared about people being safe, you would not prejudice applications for detention orders in this way.

Opposition senators interjecting—

The PRESIDENT: Minister Wong, please resume your seat. Senator Reynolds?

Senator Reynolds: Given that the minister has now failed to answer three questions in a row, I ask that—

The PRESIDENT: Senator Reynolds, is this—

Senator Reynolds: My point of order is that I'd like a ruling on what the minister has just said, because she has clearly indicated that this is out of order, which is why she's not answering it. Could I seek your ruling on why the minister is saying she can't answer it?

The PRESIDENT: Senator Reynolds, please resume your seat. As you know, it's not the role of the President. I can't put words into the minister's mouth. I can't direct the minister to use particular words or phrases. I have to listen to the whole of the minister's answers, and the minister has been relevant. She may not be giving you the answers you want, but the minister is being relevant. She was relevant to your primary, your first supplementary and the second supplementary.

Senator WONG: I'm not implying the question is out of order. I'm directly stating that prejudicing an application is not what you would do if you cared about community safety. I am absolutely stating that.

United Nations Declaration on the Rights of Indigenous Peoples

Senator THORPE (Victoria) (14:46): My question is for the Minister representing the Attorney-General, Minister Watt. This morning, your government voted down my private senator's bill to establish a legislative pathway to implement the United Nations Declaration on the Rights of Indigenous Peoples, the UNDRIP. Is the government committed to enshrining the UNDRIP into Australian law at a later stage, maybe?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (14:47): Thanks for the question, Senator Thorpe. As you're aware, we had a discussion about this last week in the context of Senator Dodson saying farewell to this chamber, and I want to acknowledge the fantastic work of Senator Dodson as the Chair of the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs.

The PRESIDENT: Senator Watt, please resume your seat. Senator Thorpe, before I come to you, you don't need to wave your arms around.

Senator Thorpe interjecting—

The PRESIDENT: Senator Thorpe, you're not in a debate with me.

Senator Thorpe: Thank you, President. Relevance is my point of order. It's not a farewell speech. It's basically a question about: do you—

The PRESIDENT: Yes, Senator Thorpe. You don't need to—

Senator Thorpe: I don't need a farewell speech. I heard that the other day.

The PRESIDENT: Senator Thorpe, please resume your seat. The minister is referring to the report which was released last week, which is going to the matters that you referred to, so the minister is being relevant. Minister Watt, please continue.

Senator WATT: Senator Thorpe, I can assure you I am not giving a farewell speech. I was reflecting on the farewell speech given by Senator Dodson last week, talking about the report presented by the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs.

Honourable senators interjecting—

The PRESIDENT: Senator Watt, please resume your seat. Order! This is Senator Thorpe's question. She has the right for the answer to be heard in silence.

Senator WATT: Senator Thorpe, as you're aware, the report of the joint standing committee on the inquiry into the application of the UN Declaration on the Rights of Indigenous Peoples in Australia made a number of recommendations which the government is now considering. The report included contributions from experts, organisations and community members alike.

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

Senator Thorpe: Point of order: relevance. Once again, it was my inquiry. I was there for the inquiry—my bill. My question, to the point, is: when is the government going to enshrine our rights in this country?

The PRESIDENT: Senator Thorpe, resume your seat. You've made your point of order.

Senator Thorpe interjecting—

The PRESIDENT: Senator Thorpe, you are directing your response—

Senator Thorpe interjecting—

The PRESIDENT: Senator Thorpe! If senators are out of order, I will call them to order. Minister Watt, I draw you back to the question.

Senator WATT: I actually just said that the government is considering the recommendations of that report, which go to the matters that your bill was concerned with. It is the very spirit of the principles that underpin the declaration that mean we as a government will ensure we take the time to engage and consult with First Nations peoples in a deliberate and meaningful manner to help inform our response to the recommendations. To do otherwise would be entirely inconsistent with the very principles of the UN declaration. We must take the time to get this right. The report gave some very important recommendations in relation to the rights of First Nations people. I think our government has shown a very firm commitment to the rights of First Nations people in Australia, and we intend to back up that commitment through properly considering this report.

The PRESIDENT: Senator Watt, please resume your seat.

Senator WATT: I've actually finished my answer.

Senator Thorpe interjecting—

The PRESIDENT: Senator Thorpe, the minister has indicated to me he's concluded his answer, so I am asking you to put your first supplementary, please.

Senator Thorpe: I have a point of order. With all due respect, President, in terms of process, I was standing—

The PRESIDENT: Please resume your seat. I am managing the chamber.

Senator Thorpe interjecting—

The PRESIDENT: Senator Thorpe, withdraw that comment. I'm asking you to stand and withdraw that comment.

Senator Thorpe: Due to the colonial powers of oppression, I withdraw the comment.

The PRESIDENT: Senator Thorpe, that's not acceptable. I would ask you simply to withdraw the comment.

Senator Thorpe: I simply withdraw the comment.

The PRESIDENT: Thank you. Every senator in this place has the right to ask their questions, and they need to be heard in silence and they need to be heard with respect. That goes for every single person in this place. Senator Thorpe, you can't call a point of order once the minister has concluded; I'm inviting you to make your first supplementary.

Senator THORPE (Victoria) (14:49): Given there is no legislative commitment, can you please outline the pathway through which the government intends to implement UNDRIP fully?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (14:52): Of course I'm not in a position to provide a specific time frame for the implementation of that declaration, because, as I've said, the government is now considering the recommendations of the joint standing committee that made recommendations on this matter. As I said in my answer to the previous question, we intend to consult with First Nations peoples in a deliberate and meaningful manner to help inform our response to the recommendations.

Senator Thorpe: Shame!

Senator WATT: I take the interjection of 'shame'. I hardly think it's shameful to consult with First Nations peoples about the implementation of these recommendations. Frankly, Senator Thorpe, I'm surprised that you think it's shameful that we would consult with First Nations peoples. I think that is exactly the right approach for us to take, and that is the way we will ensure that delivering on the recommendations of this report actually respects the rights and interests of First Nations people. I'd like to think that you would support that.

The PRESIDENT: Senator Thorpe, second supplementary?

Senator THORPE (Victoria) (14:53): The government recommended the development of a national action plan to implement the UNDRIP in the recent committee report. Will the government progress the development of such a national action plan in this term of government?

Senator WATT (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister for Emergency Management) (14:54): As I say, we are now considering the recommendations of that report, and one of them is the issue that you've referred to. I've said repeatedly through my answers that we intend to consult on these matters. We aren't in a position to provide a time frame for them, but we do take them seriously. I think this government's got an excellent track record on delivering for the interests of First Nations peoples, and that's why we want to take this matter seriously as well.

National Cabinet

Senator O'NEILL (New South Wales) (14:54): My question is to the Minister representing the Prime Minister, Senator Wong. Today in Canberra, National Cabinet met and made important progress on key reforms. Can the Minister outline to the Senate how the Albanese government is working with states and territories to deliver for all Australians? In particular, what's being done to strengthen our health system?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:55): I thank Senator O'Neill for the question. I'm very pleased to reflect the announcement of National Cabinet here today, an example of the federation working for Australia and, most centrally, of the government working with other governments to ensure a better health system for all Australians. National Cabinet made important progress on key reforms to strengthen Australia's health system, to secure the future of the National Disability Insurance Scheme and on keeping Australians safe. Premiers, first ministers and the Prime Minister are working together in the common interests of all Australians.

National Cabinet had agreed that the top priority for 2023 was health. I'm pleased to again communicate the National Cabinet decision to a further \$1.2 billion package to strengthen Medicare. That's a further \$1.2 billion of strengthening Medicare measures which are all about taking the pressure off our hospitals. The Commonwealth, the Albanese government, is boosting funding for Medicare urgent care clinics and supporting older Australians through avoided hospital admission and early discharge from hospital. We are focused on delivering reforms that ensure the entire health system is more integrated, more equitable, more efficient and more sustainable. Of course, these measures are on top of the measures that the Albanese government is already doing, which include cheaper medicines, urgent care clinics and investment in bulk-billing, and are in stark contrast to the decade, the shameful legacy, of cuts and mismanagement by the coalition.

The PRESIDENT: Senator O'Neill, first supplementary?

Senator O'NEILL (New South Wales) (14:57): Thank you for your response, Minister Wong. Could you also please explain how the Albanese Labor government is working to secure the future of the National Disability Insurance Scheme?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:57): Thank you to the senator for her question and for her interest in this very important and difficult area of public policy.

We know that the NDIS has delivered life-changing supports to thousands of Australians. It is pleasing to see that all Australian governments are committed to providing equity and fairness for Australians living with disability. National Cabinet acknowledged the need for reforms to secure the future of the NDIS, ensuring it can continue to provide life-changing support not just today but to future generations of Australians with disability. Governments will work together to implement legislative and other changes to the NDIS to improve the experience of participants, to restore the original intent of the scheme and to support people with permanent and significant disability with a broader ecosystem of supports. The National Cabinet agreed to jointly design additional foundational supports, working together to ensure a strong and sustainable NDIS for years to come. *(Time expired)*

The PRESIDENT: Senator O'Neill, second supplementary?

Senator O'NEILL (New South Wales) (14:58): Thank you, Senator Wong. I know how much that's going to mean to people in community. I note also that National Cabinet has agreed to the most significant improvement in Australia's firearms management system in almost 30 years. How is the government working to keep Australians safe?

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (14:58): As National Cabinet reflected, we are marking the anniversary of the police shooting at Wieambilla, and this week the funeral was held for Brevet Sergeant Jason Doig, killed in my own state's south-east. Today, National Cabinet agreed to implement a national firearms register. This is a reform that has been outstanding for too many years. It is one of the reforms outstanding from the Port Arthur massacre response in 1996, which I acknowledge was one of the great examples of bipartisan support for new regulation in this country in order to keep Australians safe. The agreement struck today represents the most significant improvement in our firearms management system in almost 30 years and it will keep Australia's first responders and communities safer. The register will address significant gaps and inconsistencies, and we have agreed to work together to ensure it is fully operational within four years. *(Time expired)*

The PRESIDENT: Senator Birmingham, on a point of order?

Senator Birmingham: It was not quite yet 3 pm when Senator Wong's answer concluded. Senator McDonald was on her feet at that point in time.

Senator WONG: I am happy to take the advice of the Clerk—via you, President.

An opposition senator interjecting—

Senator WONG: Sometimes it's possible to be gracious, actually. If you'd let me finish.

The PRESIDENT: Senator McDonald, resume your seat, please.

Senator WONG: If the Clerk's advice to the President is that it was too early, of course I will not seek that question time close. I always try to be reasonable on that front.

The PRESIDENT: The Clerk's advice is we were a few seconds before 3 pm, so Senator McDonald.

Economy

Senator McDONALD (Queensland) (15:01): My question—

Honourable senators interjecting—

The PRESIDENT: Senator McDonald, please resume your seat. I would expect Senator McDonald to be given the courtesy of all senators in this place and be allowed to ask her question in silence.

Senator McDONALD: My question is to the Minister representing the Treasurer, Senator Gallagher. Today's national accounts have shown middle Australia is being crushed due to Labor's failure to manage the economy. Can you confirm today's national account showed that, over the past 18 months, mortgage interest payments have almost tripled, income taxes paid by household have risen by 27.3 per cent and, in the last year, real household disposable income has fallen by 6.6 per cent?

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): I thank Senator McDonald for the question. And what she fails to say also is that the economy grew by 0.2 per cent in the September quarter, to be 2.1 per cent higher throughout the year. I think that is worth acknowledging. But we accept that, as the economy slows and with the interest rate increases that we've been seeing, it is putting households under pressure, particularly for those with mortgages, which is why our fiscal strategy and our government's responsibility have been to ensure that we fix the budget, that we restrain spending, that we don't make the job of the Reserve Bank harder and that we help in the fight against inflation. That's been our fiscal strategy. It's a strategy that's being endorsed by a number of organisations as the right approach to take at the moment. One of the points that Senator McDonald raises in her question is that tax revenues are up. That is primarily a result of more people in work and wages growth, so more people in jobs, more people earning more. If you're earning more and you've got more people in work, you will see increases in tax receipts.

The PRESIDENT: Senator McDonald, first supplementary?

Senator McDONALD (Queensland) (15:03): Is it correct that today's national accounts show Australia is in a prolonged GDP per capita recession, meaning that Australians are poorer per person under the Albanese Labor government than they were last year?

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) (15:03): We do see the per capita numbers jump around a bit. I think in the last 200 releases, 48 of them have seen a dip in those numbers, so I don't think that is surprising at all. I think the things that we should be focusing on for the economy overall are that the economy continues to grow—that is a good outcome—that we are seeing record low unemployment, that we're seeing the beginnings of wages growth, that we're seeing high participation rates, that we're seeing the gender pay gap close, that we have delivered a surplus against the deficit that we inherited and that inflation has peaked and is moderating.

The PRESIDENT: Senator McDonald, second supplementary?

Senator McDONALD (Queensland) (15:04): Given that today's national accounts show that productivity has fallen six per cent over the past 18 months while prices have risen by more than nine per cent, will the minister concede that Australians are paying the price for a government that is distracted and out of its depth in managing the economy?

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) (15:04): The answer to that is no, and I find it a bit rich coming from those who oversaw the slowest productivity growth over a decade in 60 years.

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

ANSWERS TO QUESTIONS ON NOTICE

Question Nos 2333 and 2336

Senator LAMBIE (Tasmania) (15:05): Pursuant to standing order 74(5), I ask the Minister representing the Minister for Defence for an explanation of why answers have not been provided to questions on notice Nos 2333 and 2336 asked on 9 August 2023 relating to foreign military sales and AUKUS.

Senator WONG (South Australia—Minister for Foreign Affairs and Leader of the Government in the Senate) (15:05): I thank Senator Lambie for raising these questions. I'm advised by the office of the Deputy Prime Minister and Minister for Defence that they are continuing to endeavour to get from the Department of Defence the information requested in these questions on notice.

Senator Lambie would be aware that a level of information requested in QON 2333 is published in Defence's annual report and has also been released under FOI. Obviously the senator has the option of considering those sources in the first instance by way of an answer. However, I'm aware that the Deputy Prime Minister has asked whether there is further information which can be provided to the senator beyond that information, in order to be helpful. As Senator Lambie would appreciate, there is a lot of data within the scope of this that goes to sensitive defence capability transactions with the US. This, I'm advised, is the reason for delay.

In relation to question on notice 2336, I'm advised that this, similarly, relates to payments to the United States and United Kingdom, so there has been a similar delay in responding to this. Again, some aspects of this information have been released under FOI that relate to the cost of travel. I'm advised that responses will be tabled as soon as possible.

Senator LAMBIE (Tasmania) (15:07): I move:

That there be laid on the table by no later than midday on 7 December 2023 the answers to questions on notice Nos 2333 and 2336.

You guys have had this since August, and this is getting ridiculous. I'll be honest with you. We have a royal commission going, and it is beyond a joke anymore. For the whole time you were in opposition, one of the loudest messages we got from the Labor Party was about the lack of transparency from this side—from the coalition government. As opposition leader, the now Prime Minister promised to fix this and provide greater transparency, but here they are, 18 months after they were elected, not practising what they preached. They are hiding behind legal privilege, hiding behind claims of national security, and hiding from scrutiny and accountability.

This government is showing contempt for transparency. It is absolutely unbelievable to me that they are doing this in a national security space full stop. This is what is happening while our own ADF struggles to recruit and train personnel, struggles to deliver on procurement, struggles to build a ship and struggles to buy a submarine. Time and time again, we are reminded that the current Chief of the Defence Force and the current Secretary to the Department of Defence are just plain bad at their jobs. They're absolutely incompetent. Every time there is a problem, they point the finger at someone else. They won't take responsibility for their lack of action. God forbid they should actually show some real leadership and take responsibility, which is what a real leader does.

In response to a question regarding the signing-off of the MRH-90s return to service after the tragic incident earlier this year, the current CDF, who has been there for too long, pointed the finger squarely at the Chief of Air Force. He palmed it off again: 'I am not the senior airworthiness authority in Defence. That is the Chief of Air Force.' Instead of taking ownership of the tragic MRH-90 accident this year, General Campbell, as usual, choked at it and ducked and weaved. This is about as good as it gets from Campbell. It's the same pattern of behaviour: 'Not my problem, mate. Not my problem.' We saw it with Operation Sovereign Borders with 'on-water matters', and we are seeing the same practice today.

He walks out of press conferences when he deems them political. When the political heat gets turned up on General Campbell, he takes off the mask and shows himself for the political animal that he is. He is a man who seeks to protect his career before he protects his own people. You wonder why we have a retention problem in Defence. He is not a leader; he is just a career bureaucrat, and always has been. That is the exact opposite type of person who should be in charge of Australia's Defence Force.

As for the secretary of the department, he is absolutely no better. He is full of absolute incompetence. He has been the biggest failure in this. Since he started in this role we have had failed frigate procurements, failed submarine procurements, failed helicopters and much more.

And you still keep them employed. What a joke this is. You still keep them employed. Both the CDF and the secretary are working against national security. They are not for national security. They should be gone. They are not up to the job. When are you going to wake up to this? What are you waiting for? Are you waiting for another tragic accident to happen and some more back covering? Seriously, this is beyond a joke. They can't recruit anyone, they can't build anything and they can't buy things.

What's more, the Royal Commission into Defence and Veteran Suicide can't even get information out of them. Defence has been accused of stonewalling. But what's new? That's what they do. Defence are still in their culture of cover-ups. You have been in government for 18 months and we still have the same cultural practice that is doing harm to those who are serving. It's doing harm to those who are serving and it's killing them. Delaying, which is what they do, and otherwise hindering the work of the royal commission is simply absolutely shameful. Worse even still is that Defence is doing this at a time when the suicide rate for current serving veterans is at its worst.

But we still leave those people in their jobs. When are we in here going to learn? It's like a business. If they can't get the job done then we should get rid of them, sack them. That's what we should do. That's commonsense.

Senator Shoebridge: Not in Defence!

Senator LAMBIE: That's right, Senator Shoebridge, not in Defence. Apparently they walk free. There's nothing to see here. It doesn't want someone on its issues.

The minister—let's be honest here—is just following the CDF, the secretary and senior officers around like a lost puppy. It is absolutely sickening. All you hear is the little bell around his neck ringing. He is more clueless on defence than any minister before him—and I can tell you that there have been a lot of clueless ones since I have been here. This one takes the cake. He spends his days swallowing everything that they tell him—starry eyed and tipsy from being in the presence of medals that the senior officers didn't even earn. Deputy Prime Minister Marles is letting ADF senior command walk over the top of him. It is an absolute embarrassment. You probably need to sack him and start leading by example. Our national security is suffering for it. You talk about your concern for national security, but, if anything is suffering, it is that, and you will pay the price for that. There is no doubt about that.

The defence minister is not strong. He's not even close. He's not the type of person the Australian Defence Force needs. Australia needs a minister that will stand up to the CDF and the secretary and not just do what they say. As

I've said, the Defence Force can't deliver anything right now, and I don't hold much hope for it delivering anything in the future. The senior officers are behaving like career bureaucrats and their focus is completely off target. If they spent as much time fixing broken things as they do avoiding hard questions, we'd surely be in a much better state than we are today. But they don't.

Australia deserves better than the CDF, the secretary and the minister, who avoid scrutiny and have absolutely no future plans except for a paper submarine. That's all we're looking at—a paper submarine. There are paper dreams for a submarine that doesn't exist. We have a land war in Europe, and the Middle East is heating up in a way that we haven't seen in a long time. Australia needs a government that is focused on the job of protecting Australians. We're not getting that. Instead, we're getting submarines that will never arrive. We're getting an army that is losing more people, and that's during their billion-dollar recruitment drive. They're spending millions and millions of dollars on a recruitment drive and still not recruiting anyone.

You have a problem here: it is called the top brass, and the first one is the CDF. Until you fix this, and until you get rid of these people, you will get no better results. I don't get why you don't understand this. We've got a CDF who blames everyone but himself for everything and anything. If he's wondering who is to blame, it's about time he really took a good hard look at himself in the mirror. We've got a secretary who is just a plain career public servant who has been in there for way too long—way too long. And, worse: we're paying them over a million bucks each—a million bucks each, to deliver absolutely nothing, let alone to put our national security first and foremost.

On top of that, their diggers are getting a real pay cut. This is when we talk about 'unique service'. Because they do not have a union, they are getting the same pay rise as the public servants! You want to stand there at a cenotaph and talk about thanking them for putting their lives on the line in their unique service, but you don't want to pay them any more than public servants. And you wonder why they're leaving in droves! How disrespectful is that. Australians deserve more. We deserve a lot more.

In a world of conflict and natural disasters, we have never ever needed our Australian Defence Force more. I'll bet you this summer you'll be calling them out. Yes, you'll be calling them out and expecting them to deliver. And, in the same breath, you'll want them to sit on a pay rise of 11.2 per cent over three years, as if they were in the Public Service. But you want them to feel special. You've got to be kidding me! Maybe they should have their own union. Would that help? Maybe then we could better deals with the Labor government than we can today. They need their own union. Would that help? Let me know. I'll get them one.

Australia's Defence Force leadership is more focused on protecting themselves than us. We must fix this, and the minister and the Prime Minister are the only ones who can get the job done. It's way past time they got on with it.

I can assure you, I'm sick of seeing this new defence minister running round like he's a groupie at a concert, in front of the brass. You will never ever be able to rein in senior command when you are doing that. He is completely out of his depth. He hasn't had control from the time he came in here and he hasn't got control now. You want to do a reshuffle next year? Try someone new. Quite frankly, if you want our Defence Force to be better, then they'll need to respect not only senior command but the minister, and he has none. You've lost the fight with that minister. He needs to go. If you do not get rid of the Chief of Defence Force, they will continue to leave in droves. Something has to give. Someone has to have the guts to say, 'Mate, it's time you left. Either you retire or we will remove you.' You have a secretary sitting there in the Department of Defence. My god! If he was any more stale, he would be mouldy, for god's sake! He's got to go! You need a whole new reshuffle in there. You need new people in there who can actually make decisions and are not scared of the brass standing in front of them. Until you do this, our national security will remain at risk. Once again, it can't get the job done. It can't deliver anything. You have a real problem here. But, once again, these two words are the most important thing: 'national security'.

And it's retention. You've got to retain these people. I mean, this is how stupid you are: you want to offer 50 grand to people to say, 'Hey, you've done four years; stay in.' But what did those diggers sitting there between the five-year mark and the 10-year mark get asked? What did you promise them if they stayed in? You promised them absolutely nothing. That's right—you promised them the same pay rise as the Public Service. And you wonder why they're leaving in droves. You can't be serious with me. It is so disrespectful for these senior diggers to not be offered a damn thing. And they're leaving in droves. Therefore, you leave a massive gap of expertise in our Defence Force. Do you understand that? It is expertise. They are leaving. It takes five or six years for a digger to find their feet. In the meantime, you're driving those ones of between five and 10 years out the door. Okay, there is your problem.

I have tried to speak to Minister Marles about this and I have told him how to fix this. He hasn't listened to a damn word I've said. That was six months ago. As a matter of fact, it's got to a point where I don't even bother going and seeing him, because he'll end up taking himself out; he doesn't need me, to be brutally honest with you.

But enough is enough. This is our national security. We need people joining. We need them to start joining today. And a billion bucks ain't getting them there. Money from here is not buying them. It's not buying them, and you're

offering nothing to keep the ones that we need—the ones with the most expertise, the ones who've actually had war experience. There's a massive gap there. The way you are doing it is very wrong. Start putting some commonsense into this, once and for all, for the sake of our national security.

Senator SHOEBRIDGE (New South Wales) (15:20): I share the deep anxiety of Senator Lambie in relation to the government's underperformance in this space. The questions that Senator Lambie was asking are questions that many people are actually asking right now. Senator Lambie was asking for details for the 2021-22 and 2022-23 financial years of each and every payment made to the US government in relation to AUKUS, indicating the date of the payment, the reason for the payment and the amount of the payment. She wants the same for payments made to the UK and then also asks for details of the total amount spent on AUKUS for each of those financial years and what, if any, monetary commitments or promises have been made to the US in relation to Australian investment in US shipyards. How is it that the minister can't answer that? How is it that you can't answer that almost instantly? I think the reason is because there is no actual dollar figure that Australia has committed to.

We keep getting told by the government that AUKUS is about jobs in Australia. I think there's some inflated figure that between now and the end of the century there might be 20,000 jobs. If you look at an assessment given by PwC in a dark room lit only by a candle, you'll find 20,000 jobs in Australia. But what this government is actually going to invest in is not Australian jobs but US jobs and UK jobs. You don't have to take my word for it or Senator Lambie's word for it. Read the most recent Congressional Research Service report on the AUKUS submarine deal. They've done two. The most recent one was only about 10 days ago. That said there is no conceivable pathway at the moment for the United States shipbuilding industry to produce sufficient submarines for their own purposes and also to meet the additional submarines required for the AUKUS submarine project.

Currently, the US submarine industry is knocking out about 1.2 to 1.3 Virginia class submarines a year. To meet their own requirements just for Virginia class submarines they need to radically increase that to two Virginia class submarines a year. Then, on top of that, to meet the AUKUS commitments they need to increase that to 2.3 Virginia-class submarines a year. Then from 2030 they're also going to have to produce an entirely new class of larger nuclear submarine called the Columbia class. To meet that massive increase in nuclear submarine shipbuilding, the Congressional Research Service says that that's going to require a fivefold increase in the US workforce for building a nuclear submarine. That's not a doubling or a tripling or a quadrupling but a fivefold increase in the US workforce for their nuclear submarine shipbuilding.

Let me be clear, there is no current funding or plan from the Biden administration that goes anywhere near achieving that kind of increase in workforce—a fivefold increase in the workforce. And we know—if anyone's been watching the debate—the incredible capacity restraints that the US is facing in terms of their shipbuilding, particularly the highly skilled shipbuilding for nuclear submarines. What have we heard from the Albanese government about that? Nothing. What have we heard from the RAN about that? Absolutely nothing. It's as though they pretend this problem doesn't exist. That's the scale of the increase needed for US shipbuilding. A fivefold increase in the workforce is the scale needed.

What has Australia committed financially to that under the AUKUS agreement? There has been a lot of discussion about a US\$3 billion commitment that Australia has allegedly made to the US industrial base. That commitment is A\$4.7 billion. That number has been bandied around. It seems like an eye wateringly large amount of money, A\$4.7 billion, and no doubt the Albanese government is quite happy for that figure to be bandied around, because that's an almost achievable amount. It's an incredible amount of money—A\$4.7 billion of Australian taxpayers' money—to be spent entirely on US jobs. It's an almost achievable amount until you realise that the actual commitment made by AUKUS is not to a bounded figure like US\$3 billion. That figure has been made up, no doubt for political convenience, by Albanese. That amount is not found in any agreement, in any exchange, with the United States. It's not found in the AUKUS agreements.

The agreement that Australia has actually made is for a proportionate contribution to the US shipbuilding industry. Did I mention that the US shipbuilding industry needs a fivefold increase in workforce? What's Australia's proportionate contribution to a fivefold increase in the US nuclear-ship building workforce and the infrastructure that underpins it and the shipyards that underpin it? It could well be a multiple of US\$3 billion. That's probably why Minister Marles is refusing to answer Senator Lambie's questions, because actually answering the questions would bell the cat and explain just what an open ended financial commitment Australia has made not to Australian jobs but to US jobs under the AUKUS deal. It is literally a blank cheque of a proportionate contribution to the kind of investment that is going to see a fivefold increase in US jobs and the associated infrastructure and shipbuilding facilities underpinning that. And we get no answer from the defence minister—complete silence; crickets. Why? Because it is downright embarrassing.

Now, you would have thought that with all these questions going unanswered there would be an obvious response from Defence. A whole bunch of question from Senator Lambie, from Senator Roberts, from me and, no doubt,

from members of the opposition haven't been answered. I would have expected that the obvious response from Minister Marles, the secretary of Defence and the Chief of the Defence Force—that troika of underperformance—would be to appoint a general. We should get a fresh general, or an admiral or an air marshal, to answer questions that have been unanswered. Let's get some gold braid appointed to answer the questions. Why don't we add to the 219 star-ranked admirals, generals and air marshals to actually answer some questions. Get them to do something. They haven't got a plane, they haven't got a tank, they haven't got a ship, but there's 219 of them answering whatever thought bubble has got into Minister Marles. Why doesn't the troika of underperformance appoint a general to answer the questions? That would be consistent with the ADF: not a substantive response, not telling us how much money—just appoint another general. At least then we might get some answers.

Question agreed to.

DOCUMENTS

Australian Army: Jervis Bay Incident

Order for the Production of Documents

Senator ROBERTS (Queensland) (15:29): Pursuant to standing order 164 and, by coincidence, genuinely by coincidence, with the previous motion, I seek an explanation from the Minister representing the Minister for Defence, Senator Wong, regarding the failure to respond to order for production of documents No. 243, agreed on 22 June 2023, in relation to the MRH-90 Taipan helicopter incident at Jervis Bay.

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) (15:29): I am happy to follow that up. We didn't have notice of the OPD that Senator Roberts was going to refer to, so the minister isn't here and able to provide a direct response. Normally, a heads-up is provided so that we can prepare an answer. I acknowledge you came over in question time and said that you would be doing this, but you didn't inform us of what minister or OPD you were after. So I would have to come back to the chamber at a later time with an explanation. Could Senator Roberts indicate the number of the OPD he referred to?

Senator ROBERTS (Queensland) (15:30): Certainly; it's No. 200. I move:

That the Senate take note of the minister's failure to provide either the documents or an explanation.

So much for the Albanese Labor government's promises to be transparent and accountable! Yet again, they've failed a transparency deadline, failing to produce the documents the Senate ordered them to produce six months ago. In March this year, a Taipan helicopter was forced to ditch into the sea in Jervis Bay. No people died. Two were injured. Thankfully, those injuries were minor due to the pilots' skills—skills they shouldn't have had to rely on yet had to, because Defence made them fly a dodgy helicopter. Separately, in July, a Taipan helicopter crashed in the Whitsundays, killing four Defence personnel. This order for the production of documents related to the non-fatal Jervis Bay incident in March. The government has failed to produce any details after the Defence brass promised they would produce such reports.

What you didn't hear in the minister's explanation is the true story of why these documents haven't been produced. The hierarchy in Defence are covering up their mistakes. The Taipan helicopters should have been pulled from service a decade ago. There were technical shortcomings in their capability that could not be defended. There were dangerous, catastrophic safety issues that Defence knew about. Instead of dealing with those issues or grounding the helicopter, as they should have, Defence and the politicians kept it in service and flying. Now four personnel who piloted and flew in that helicopter have died in a crash. We remember now Warrant Officer Class 2 Joseph Laycock—or, as he was known, Phil—troop commander Captain Danniell Lyon, Lieutenant Maxwell Nugent and Corporal Alexander Naggs. We hope their families, despite their enormous loss, will find peace.

Next—and I do not say this lightly—the Defence hierarchy and politicians who allowed the Taipan helicopter to continue flying have blood on their hands. No-one in Defence can claim not to know about this helicopter's problems. The MRH-90 Taipan helicopter was identified on a list of 'projects of concern' in 2011, 12 years ago. The Taipan remained on that list until it was grounded for good after the Whitsundays crash, 13 years before its planned retirement. During its lifetime, the Taipan was grounded no fewer than nine times due to ongoing problems, yet Defence kept flying it—or, rather, Defence kept soldiers flying it. Australian taxpayers spent at least \$3.7 billion on the project. The Taipan cost \$50,000 an hour to fly. I can hear Senator Shoebridge laughing, and I understand why. Compare that to the Black Hawk, which costs an estimated \$15,000 an hour, 30 per cent of the cost.

The Australian National Audit Office identified some of the MRH-90 Taipan's many serious problems. These included engine failure—without an engine, helicopters fly like a brick; transmission, oil cooler and fan failures; poor availability of spares; on the Navy aircraft, problems with the cargo hook; and, on the Army helicopters, problems with door gun mounts and the fast roping and rappelling device. Those are some of the problems. Yet

Defence kept flying the helicopter. The Navy couldn't hook cargo into its Taipans. The Army couldn't fire guns at the same time that soldiers were in the helicopter. Our Australian Army consider the cabin and row equipment are not fit for purpose, as the seat size and harness cannot accommodate personnel wearing combat gear. Yet Defence kept flying it. They knew the engine could fail and the helicopter could drop out of the sky, yet they kept on flying it.

Defence analyst Marcus Hellyer wrote in 2021:

Back when I worked in the Department of Defence, we used to occupy ourselves from time to time calculating how much money the taxpayer would save in the long run if we just walked away from the MRH-90 utility helicopter and bought Black Hawk helicopters instead. The answer was a lot. And the sooner you did it, the more you'd save, by avoiding sinking more acquisition dollars into the MRH-90 and realising the substantially lower operating costs of the Black Hawk. But even though those numbers were shared with Defence's senior decision-makers, the department couldn't bring itself to take that step.

Defence had all the information. They knew the Taipan was a waste of billions of dollars. They knew it could not do the job it was meant to do and supposed to do. They knew it had catastrophic safety risks. They knew all of this for more than a decade, yet Defence kept on flying it. That's why this government will not answer this order for the production of documents after almost six months. The cost and particularly the fatalities—avoidable fatalities—are huge.

I also want to talk about another huge impact: the impact on the Defence Force's morale. What happens when you ask someone to keep operating faulty, life-threatening equipment? What happens to trust? You know the answer. Look at the hypocrisy of the Chief of the Defence Force awarding himself a medal reserved for those in action, when he was sitting a thousand kilometres from the action. How does that build trust? It destroys trust.

Some years ago, when I was working in the mining industry, I met two people who had come from the defence forces, officers from the Army specifically. One was so highly skilled that he had been asked on occasion to take six of his mates and go into the jungles of Vietnam, well beyond enemy lines, take on a job and come back. He rose to be in charge of jungle warfare training. Barry—along with John, who had been a captain in the army—told me the key to Army culture and Defence Force culture. That key is mateship. Barry had to lecture other countries' defence forces and security forces on counterterrorism work. He said in most countries they did not understand what mateship was. It's intangible, yet the impacts are so tangible.

He also talked about standards. Everyone who joins the Army, for example, comes into the Army and is then made equal with everyone else so that they get the feeling of looking after their mates. Then they're trained to a very high standard, and they can rely on each other and those standards. I'll tell you a little story. Barry and John both said that when you're behind a log in incoming machine gun fire, the only thing worse than jumping over that log and going into that machine gun fire is running away and leaving your mate behind. That's how strong it is in the Army. There will be lots of people from the Army who will be watching this parliament and will know exactly what I'm talking about.

The third part of mateship is trust. How can we have trust when the defence forces are going woke? I hear from so many soldiers and airmen and sailors that they're sick and tired of the defence forces going woke and it will jeopardise their lives in battle. That is not looking after our soldiers.

Then we talk about national security. All of that impacts on national security. I'll say it again: the key strategic weapon we have in this country in our armed forces is at the mateship, the training, the standards and what used to be trust. The warriors are fine. The problem is the Chief of the Defence Force, the top brass and, as we've heard recently, the minister who is supposed to hold them accountable.

We've had some preliminary briefings, and I want to commend a young public servant who said that the problems with the Taipans are not just in the military but also in the politics and the politicians. These politicians and the top brass are responsible for deaths. They have blood on their hands. Even the slightest amount of scrutiny on this project will reveal the pervasive corruption in the Defence hierarchy, reveal politicians' mistakes and show that these people in Defence and in politics have blood on their hands. One Nation will continue pushing to hold those in the Defence hierarchy to account and protect our warriors serving in the Defence Force.

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (15:41): I wish to make a contribution to this debate. My understanding in regard to this order for production of documents is that the Senate was provided with advice on 12 May 2023 that the Deputy Prime Minister, the Hon. Richard Marles, had advised that Defence is conducting an internal investigation into this incident and intends to respond to the order once this investigation is complete.

Senator SHOEBRIDGE (New South Wales) (15:41): I note the further contribution from the government there. This is an order that was first made in March of this year, requiring documents to be produced in April. The

government then said, 'Oh, well, we're having an investigation into the Jervis Bay ditching,' and gave a private briefing to me and, I think, a private briefing to Senator Roberts as well. In fact, it may have been a very efficient joint briefing at the time. Part of what we were told—I'll keep the bulk of it private, but this is relevant for today's purposes—was that they expected the investigation to be concluded by October. As a result of that, Senator Roberts moved this motion to produce the documents by 1 November. And what have we heard since then? The usual Minister Marles response: crickets—nothing.

When we get told that the investigation will be finished by October and on that basis there's an agreement to push off production till 1 November—a very reasonable agreement—you would expect there to be some engagement with the minister when they just fail to produce documents. But there's such contempt amongst the Defence establishment for parliamentary scrutiny that they don't even bother to communicate with the senator who moved the motion to give some kind of explanation for why their previous commitment to get the report done by October no longer holds. There is just complete contempt from the Defence establishment.

Now the only explanation we're given is that seven months ago the minister said that there would be an investigation—there's an internal investigation. Well, we already knew there was an internal investigation. We were told it would be complete by the end of October, and the motion was adapted for that very purpose. So where is the investigation into the Jervis Bay ditching, which could very easily have seen lives lost? My understanding is that it was just a mixture of good luck and incredibly quick responses from the crew that prevented lives being lost. Thank goodness it was in the protected waters of Jervis Bay, close to the shore, because if it had been anywhere out at sea or in rough water the results may well have been fatally different. Indeed, months later we had a tragic loss of life from another Taipan helicopter. I join with Senator Roberts in expressing my genuine and sincere condolences to the families of all the lost crew, who are still seeking answers.

To be clear, this order we are talking about now is only for the Jervis Bay incident. It does not in any way relate to that second tragedy that happened with the Taipan helicopters. It's interesting that this motion about the noncompliance has come up today because this is also the day I got a response from Defence to a freedom-of-information request seeking the flight test reports that Defence had in relation to Taipan's forward-looking infrared, its airworthiness and related matters. I also saw Defence's reports and documents, including the CASR compliance, the HMSC, the CFIT and related matters. A lot of that relates to the equipment that is used in the Taipan, particularly the heads-up display, which was notoriously unreliable, giving false readings and potentially sending pilots into catastrophic error, all done through a highly credentialed airworthiness certification process inside Defence.

One of the golden rules of civil aviation in response to an accident or concerns about an accident is to have no secrecy at all, to have radical openness, to just share all the documentation and all the findings and to do it in the most transparent way possible. That's because other people operate these platforms and it's been found in civil aviation investigations that that commitment to radical transparency is actually the way we keep the travelling public safe. So why is it any different for service personnel? We know that radical transparency on airworthiness works for civil aviation. There are no credible national security reasons to not produce this material, the reports about critical instrumentation in the Taipan helicopter. It has been withdrawn from service. It will never come back into service in Australia. So, if our enemies find out that there were serious critical faults in how the Taipan helicopter operated, no national security harm can come from that because we thankfully will not be putting service personnel into them ever again. They've been withdrawn from service, so there's no credible national security reason not to produce this material. There are compelling transparency reasons to produce it. The reason I got from Defence to not produce these documents is that, if they produce the documents about the independent credible internal assessments that were done by credentialed airworthiness and air safety experts inside Defence, apparently that would have a negative effect on the 'proper and efficient operations of Defence'. Tell me how. Tell me how having transparency about identified deficiencies in a helicopter that has now been withdrawn from service would have any kind of negative impact on the proper and efficient operations of Defence?

We are also told by Defence that this confidential aspect of aviation safety is 'vital in order to quickly and accurately ascertain issues' and to 'delineate between human and mechanical error to ensure that an incident is not replicated'. It seems to me that that it's only in Defence that secrecy and hiding of documents provides any kind of safety response, because in all other aviation investigations radical transparency is what provides safety. What's special about Defence that the airworthiness assessments of critical parts of the Taipan helicopter system should be kept confidential and hidden from the public, the Defence Force and families of serving members in the Defence Force? Why is it only in Defence that these things are hidden? What are they hiding? And who's hiding them? We're not going to let this FOI rest here. We're going to seek a review. But, of course, the government has starved the Office of the Australian Information Commissioner of funds, so it could take five years for us to grind our way through the FOI review—

Senator Scarr: If you're lucky!

Senator SHOEBRIDGE: if we're lucky. I note the interjection from Senator Scarr. We'll begin that process and my children will inherit it. That will be nice. It can be part of their ongoing inheritance to the transparency in this nation. If you wanted to have a compelling reason why the order to produce documents should be complied with, it's because other avenues of transparency are being shut down by a self-interested culture of secrecy and defence.

I don't agree with everything Senator Roberts put in that contribution. I can't see the Australian Defence Force waking up and realising it's 2023 and we have a diverse multicultural and genuinely representative Defence Force of our society. Of course, it should be representative of modern Australia and it's not as representative as it should be. It's not a question of wokeness that's affecting the Defence Force; it's a question of serious culture problems from the top and that's what we need to address, and we need to address this cult of secrecy that is actually putting Defence Force personnel lives at risk.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Answers To Questions

Senator BROCKMAN (Western Australia) (15:52): I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today. Well, it is almost four o'clock. We're actually about an hour past question time and, quite legitimately, we have just heard an hour's worth of debate from various senators about failings of this government to live up to its commitments of transparency, openness, a new approach to government, that we heard in the days following the last election but which have been so seriously absent ever since. Today, in asking very legitimate questions around the government's handling of the asylum seeker issue, we again see a very brittle approach from this Labor government, a claim that they hide behind shields of not wanting to politicise this very serious national security issue and then literally, in the same breath, attack Peter Dutton, the Leader of the Opposition, who hasn't been in government for 18 months. I should remind those opposite of that fact.

The government had carriage of the particular High Court case all through its existence. They argued the case in front of the High Court. They are the ones who are responsible for anticipating and reacting to the judgement of the High Court—two very important words. Governments are not just about responding; they're also about anticipating. There were very clear signals six months before the case was handed down that this was a live risk. The government, on the evidence that we have before us at the moment anyway, did absolutely nothing. Then the decision was handed down, and the government froze in the headlights for a week. It's now almost a month that the opposition has been calling for a preventive detention regime in this country—almost a month—and, quite legitimately, we asked today whether the government was going to apologise to the Australian people for its handling of this matter. And, no, of course the government can't apologise. They've forgotten all about their new approach to government. They've forgotten all about transparency, openness.

This morning at a press conference, the Attorney-General lost it and described a very legitimate question from a journalist as 'absurd', in a highly aggressive manner. No wonder the A-G lost it. He is dealing with two other ministers who, quite frankly, have made a disastrous, shambolic response in their handling of this issue. The ministers have been called on to resign, quite legitimately, because their handling of this issue has let the Australian people down. In the end, that is the determinant of whether you should stay on as a minister or not. Letting the Australian people down in a matter of national security, of personal safety, such as this is an extraordinary failure of ministerial duty.

We heard in one of the questions that the court decision really meant that a single person needed to be released. But the government overreacted. They didn't know what to do. They massively overreacted and released 148 people into the community, providing them with transportation and accommodation. There was reporting in the *West Australian* of asylum seekers released in my home state of Western Australia who, in less than 24 hours, had been put up in accommodation, had been driving the streets of Perth in a car procured who knows how and then early the next morning were on flights to Sydney. It's extraordinary. Is it at all surprising that some of those people—at least three that we know about—have reoffended and have done so over matters that are of a very serious nature? These are legitimate questions, and the government's response is to attack the Leader of the Opposition. It just shows how weak they are.

Senator O'NEILL (New South Wales) (15:57): I'm not surprised that those opposite are trying to distance themselves from their leader, Mr Dutton, and deny the record of their former period in government. After all, they are the party of robodebt, where they constructed the most egregious scheme, an illegal scheme that sought to take away the rights of Australians and that served on its own people—under Mr Morrison, with the leadership of Mr Dutton, right there at the top—

The DEPUTY PRESIDENT: Senator Scarr has a point of order.

Senator Scarr: Relevance: how is robodebt in any way relevant to the migration issues which we've been discussing?

The DEPUTY PRESIDENT: I think Senator O'Neill was using it as an allegory for the judgement of the government of the day, so I'm going to allow her some latitude.

Senator O'NEILL: I thank Senator Scarr for paying such attention and you, Deputy President, for your elegant explanation of exactly my intention.

You either believe in the law and you support the law or you don't. When you're the government, you are impelled to act within the boundary of the law. We're talking about citizenship. I've attended many citizenship ceremonies. When you're born in this country, you don't come out with these magic words—maybe by the time you're three or four you might be able to say them—but this is what Australian citizens undertaking a pledge say:

From this time forward, under God, I pledge my loyalty to Australia and its People, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I will uphold and obey.

What we've got being constructed, in a totally mischievous way, a fearmongering way, an anxiety-inducing, mental-health-harming way, is an opposition who are refusing to accept that fundamental responsibility that is a responsibility of citizenship, and that is to uphold the law. The law that we have derives from the Constitution, and I happen to have a pocket copy of that. Let's find out what the federal judicature actually has to do and what the federal justice system relies on:

Chapter III of the Constitution (sections 71-80) provides for the establishment of the High Court of Australia. One of the High Court's principal functions is to decide disputes about the meaning of the Constitution. For example, it is the High Court which ultimately determines whether an Act passed by the Commonwealth Parliament is within the legislative powers of the Commonwealth.

That is in our Constitution. The High Court, having considered the matter about citizenship cessation and migration, made a determination that upended what everybody in this place had thought was law for 20 years. When they did that, change had to be undertaken. Within one week and one day, this government had acted. Today, here in this parliament, the Australian government was seeking to get passed the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023 to give the Minister for Home Affairs the capacity to make an application for a court to make an order ceasing the Australian citizenship of a person who is also a national or citizen of another country. That's what fundamentally has to change. Prior to the High Court's determination in recent weeks, ministers were actually able to make a declaration. Ministers operated. That has now been found to be outside of the law—unconstitutional, at odds with the Constitution.

The mischief-making of those in the opposition, who have made claims—once again, immediately after question time—that only one person needed to be released, completely misinterprets and misrepresents the reality of what a government is impelled to do in this situation. The Labor government is always going to look after our citizens. We take that responsibility profoundly seriously. That is why this piece of legislation that has come before the parliament this afternoon—it has already been passed in the Senate and over in the House—will go ahead, I hope, with the support of those opposite, despite their mischief-making. It's time to stop mucking around, get on with the job and keep Australians safe.

Senator KOVACIC (New South Wales) (16:02): I also rise to take note of answers to all questions from coalition senators today. Can I say that I'm really disturbed by what I've heard today—the responses here and also to the questions that I asked. We have an Attorney-General who has deemed that he is not accountable to the Australian people to respond to serious questions as to what has transpired here. I'm going to read what he said:

I will not be apologising for upholding the law. I will not be apologising for pursuing the rule of law and I will not be apologising for acting...

... ..

Do not interrupt! I will not be apologising ... for acting in accordance with a High Court decision. Your question is an absurd one ...

This was an attack on a journalist who was doing her job. If Mr Dreyfus, our Attorney-General had been doing his own job, then the journalist would not have been compelled to ask these questions. I am deeply concerned that he berated her and admonished her for daring to hold him to account. That is unacceptable.

I'm going to lead on to the excuses that have been used here.

Senator O'Neill: On a point of order: per standing order 193, it is highly disorderly for a member to attribute imputations of improper motives. The senator is entitled to make her observations, but to impugn the motives of the Attorney-General is beyond what is required in the standing orders, and I ask that she withdraw any reflections.

Senator Scarr: On the point of order, from my perspective, my good colleague has couched her words appropriately. She has not mentioned the motive of the Attorney whatsoever. She's simply given an accurate characterisation, which is for everyone to see, as to how the Attorney acted.

The ACTING DEPUTY PRESIDENT (Senator Pratt): Senator Scarr, do not increase the imputation. Senator Kovacic, I will return the call to you. Can you be mindful of the standing orders and not make such imputations in your remarks.

Senator KOVACIC: It's my understanding that I didn't breach any standing orders, but thank you. Going back to my concerns and what I want to take note of, there was further commentary from those on the other side that the opposition is seeking to politicise something that wasn't a government decision. That's not what we're doing here. We're talking about the fact that the government didn't actually do their jobs. They didn't do anything, when they needed to do something. That's the problem here.

They didn't protect the Australian public. The commentary from Senator O'Neill before I stood was that the Labor government is always going to look after its own citizens. What about the woman who was allegedly sexually assaulted in Adelaide? What about her? Was she protected? No, she was not. And that is what this is all about. It's the fact that Australians were not protected. Senator O'Neill also stated that it is the fundamental responsibility of a government to uphold the law. I put it that it's the fundamental responsibility of a government to protect its citizens, and this has not transpired here.

It has been a month since the High Court decision on NZYQ, and this government has been caught flatfooted. My colleague spoke of the fact that it is the job of a government to anticipate and react, not just to follow and not just to do. Again, this government didn't do anything to anticipate or to react to the decision of the High Court and has waited almost a month in a bumbling shambles to deliver some form of mechanism to protect Australians.

What we do know is that Minister O'Neil failed to prepare for this expected High Court loss and then advised that she was told that she would probably win. She also claimed that legislation wasn't necessary, until the coalition wrote tough laws and amendments for her. In November she claimed that the coalition's preventative detention proposal was utterly impossible, but now she says that the parliament won't rise until that is legislated. Meanwhile, we have some 147 hardened criminals released into our community while Clare O'Neil, Andrew Giles and the Prime Minister can't get their act together. That is what is absurd.

The question from the journalist today was not absurd. The concerns from the coalition are not absurd. The inaction of this government is what is deeply concerning, deeply troubling and completely absurd. Clare O'Neil and Andrew Giles have completely and utterly botched this process, and our Prime Minister is silent on it. (*Time expired*)

Senator PAYMAN (Western Australia) (16:09): Those opposite love to talk the big, tough talk on national security and on keeping citizens safe. But let's not pretend that they do anything to keep Australians safe, because while the 'no-alition' is seeking to spread fear and grip people, doing nothing in offering a solution or coming to the table, the government is acting swiftly. We're doing everything we can by prioritising the safety of every single Australian. The quick passage of the legislation through parliament that we've seen over the last few weeks was necessary in order to strengthen the visa conditions and impose criminal penalties, where needed, to keep Australians safe. It's just mind-blowing to hear those opposite claiming what the intentions of the government are, when we can pull out their records and see for ourselves what they did not very long ago.

If you haven't caught the memo yet, community safety remains a top priority for the Albanese government following the decision of the High Court in case NZYQ. It is disappointing but, of course, not surprising that those opposite are using this decision for political pointscoring. By voting against the bill, those opposite actually failed to walk the tough talk. Instead of providing an action plan or even coming to the table, all you hear from the 'no-alition' is no, no, no. Mr Dutton and Mr Morrison's Liberal leftovers are always looking for political advantage, wedging a divide and fearmongering, but they never have any solutions to offer. You'd think they'd have a basic understanding of the separation of powers and the role of the High Court in our system of government, but obviously they don't. I don't have the crayons or time to draw it out for you, so I'll simply say this in layman's terms: the High Court ruled that a scheme introduced by the coalition was unconstitutional. It's not that hard—it really isn't.

Those opposite need to look at themselves in the mirror and ask their current leader, Mr Dutton, where his priorities were. As Senator Brockman said, 'Governments are not only about reacting but about anticipating.' So the question begs to be asked: where were Mr Dutton's priorities when, under his watch, we saw the skyrocketing of sexual exploitation of migrants, organised crime and people trafficking? It's really evident that Mr Dutton and the 'no-alition' have nothing positive to offer to this country, its national security or the safety of the citizens. You're just saying no, no, no and opposing everything that will make life better for Australians.

What Australians are seriously going through is cozzie livs—cost of living, just in case you're wondering what that means. We are a government that understand the pressures that everyday Australians are facing and we're

implementing measures to deliver targeted cost-of-living relief that, of course, those opposite have opposed at every turn. It's been an absolute disgrace. If those opposite really care, as they claim, about easing the cost of living, they would've supported the Albanese government's policies that have provided the relief in the last 17 months that we've been in government.

We won't stand here and have those opposite—the same people that gave us a trillion dollars of debt and broke the budget—lecture us about fiscal responsibility. I can go on and on about the incredible measures that we've delivered that people look back on and say, 'Wow! The government's actually doing its job—something we were not used to in the last nine years.' Something as simple as referring to the most recent monthly CPI indicator shows inflation being moderated at 4.9 per cent, which is much lower than the 6.1 per cent we inherited at the time of our election last year. So there it is. You really have nothing to say or show for it; you're just all talk and no walk.

Senator SCARR (Queensland—Deputy Opposition Whip in the Senate) (16:14): Right, there you go. What we should do is maybe ask the Australian people what they think. What do the Australian people think about what has happened over the course of the last months? What did the Australian people think about the fact that about 140 hardened criminals—a contract killer, child rapists, murderers, sex offenders and paedophiles—had been released into the community? Then we were accused of fear-mongering. And then, in the weeks since they were released, three of them have been charged already.

The Australian public are the human face of this public policy failure. I wonder if they think there should be an apology. I reckon they'd probably say, 'Yes, there needs to be an apology.' I wonder if the people who have been subjected to those alleged offences think there should be an apology. I reckon they'd think there probably should be an apology. Yet all we've seen today from the government is ridiculous excuses for their incompetence.

Let me tell you: I don't need crayons to understand the Australian Constitution. I give my respects to the late Professor Lumb, who taught me constitutional law about 32 years ago.

The fact of the matter is: if you look at the High Court case that was brought down, back in March, the Australian government and the lawyers acting for the individual—the convicted child rapist—agreed a set of facts that said that there was no reasonable prospect of this individual being deported anywhere; they agreed that, back in March. That is when the red flag went up. That is when all of the legislation that has been passed or will be passed over the course of the month following that judgement should have come to this chamber—five or six months ago, before the people were released, not a month later. The horse has bolted. And the gate was left open by the Albanese Labor government. The action should have been taken months ago.

We've shown how quickly we can move when we need, as a chamber, to protect the Australian people. The biggest apology due—the apology that should be granted by the Albanese Labor government—is for their failure to act in that period between March and when the decision was brought down. When the red flag went up—that was the time for action, and that was the period in time when the Albanese Labor government failed to act. That is why they should apologise to the people of Australia for their incompetence and failure to act. This High Court judgement didn't come out of nowhere. The red flag had gone up in March. And that is when the Labor Albanese government should have acted.

Question agreed to.

Indigenous Organisations

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (16:17): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Gallagher) to a question without notice I asked today relating to Indigenous organisations.

It doesn't matter that ACS is registered under South Australian legislation. They administer more than \$20 million of federal taxpayers' funds, so they must be accountable to federal taxpayers. The fact that ACS is registered under South Australian legislation strongly suggests its leaders—the same frauds who led ATSIIC—have learned their lesson from that episode and are avoiding scrutiny. It's not good enough. They will be held accountable for every cent of public money; I guarantee it, even if Labor will not.

No written response from Minister Burney has been remotely adequate. That is why I've said I've had no response: an inadequate response is no response at all.

On the need for a national audit on the whole \$40 billion industry: well, why shouldn't we? Only 20 audits have been done since 2014—20 audits, in an industry where there's about 33 and it's been said, through the referendum, that it's up to \$40 billion a year that we've spent on this Aboriginal-industry gravy-train that I've been calling out since 1996, and only 20 audits have been done. And guess what? None have been done under this government—not one. In the year and a half that you've been in here, not one audit has been done at all.

The people woke up to all this under your Voice referendum, because they'd been exposed to how much money has gone into this gravy pot, with no audits done for accountability. You should keep raising the facts about closing the gap and making changes. The money's there. You don't need to keep budgeting any more money, Labor. I keep telling you: don't put any more money there. You've got enough money. Just do the job. Put competent people in. Get rid of the bloody fraudsters. Get rid of the misappropriation of money that is happening. Then you might get some reaction.

Question agreed to.

Assange, Mr Julian Paul

Senator SHOEBRIDGE (New South Wales) (16:19): I move:

That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Wong) to a question without notice asked by Senator Shoebridge today relating to Mr Julian Assange.

The Greens thought it was really important to finish this year, 2023, with a question about Julian Assange. We don't want to see any stone left unturned or any avenue not pursued for Mr Assange, an Australian citizen and a Walkley-award-winning journalist, to be home this Christmas with his family—his beautiful wife, Stella; his three children, Gabriel, Max and Daniel; his brother, Gabriel; and his father, John—or his friends. Mr Assange deserves to be home with his family, as most of us will be on Christmas Day.

The questions asked by Senator Shoebridge today were very important. They were constructive suggestions to the government. We have come into this place and consistently asked questions about what the government is doing to put pressure on the US administration to drop the extradition and the political persecution of Julian Assange. We respect that the Prime Minister, Mr Albanese, has raised this directly with President Biden. We respect that the foreign minister, Senator Wong, has raised this directly with the Secretary of State, Mr Blinken. We respect—and I know this from my personal experience, having visited Washington recently with the Assange delegation—that Mr Kevin Rudd, our ambassador to the US, has raised this directly, as have a number of other senior Labor ministers, with the US administration. We are frustrated, like so many other Australians, that nothing has come from this representation.

However, the questions asked by Senator Shoebridge today related to the UK. What are we doing with our counterparts in the United Kingdom to secure the release of Julian Assange? It is ultimately the UK government and their Attorney General or their Prime Minister who make the final decision on whether Mr Assange will be extradited to the US to face up to 175 years in a maximum-security prison, a virtual death sentence. We didn't get a response from the foreign minister today, and that is disappointing.

Senator Shoebridge asked about a recent UK Supreme Court decision in the Rwanda case, *AAA and others v the Secretary of State for the Home Department*, which found that the UK courts should not simply accept assurances from other countries that a person, once deported, would not face torture or other serious consequences. Senator Shoebridge asked whether the minister had sought legal advice concerning this recent ruling, and he didn't get a response. He didn't ask the minister or the Prime Minister to interfere in the UK's judiciary process—the same old trope that we keep getting from both the previous government and this government. He asked whether they had noted this and sought advice on this, presumably so they could raise this with the UK government. He then went on to ask whether we had made any inquiries to the US about assurances about Mr Assange's treatment should he be extradited or deported, and that question wasn't responded to either. Lastly, he pointed out that the final decision rests with the UK Home Secretary, who can refuse extradition, and this is a political decision. Julian Assange is a political prisoner. He is being extradited to the US and pursued by the Department of Justice because of Mr Donald Trump. This is an open political persecution in broad daylight. Everybody can see he is a political prisoner and this is a political persecution.

I'm pleased to say that the friends of Julian Assange group in this parliament have brought together over 60 MPs from all political colours—from the Liberal Party, the National Party, the crossbench, the Greens and the Labor Party—to secure Mr Assange's release. We will continue to build momentum, but we need something from the government—some kind of assurance that there is hope for the thousands of people out there who have been campaigning for Julian's release, for his family and for the millions of Australians who, polls show us, support his release. It is without a doubt the worst abuse of power that I have seen in my time. The US government, seemingly complicit with the UK government, are using all the powers of their state to go after one man who exposed their lies, deceptions and war crimes. They clearly don't want that kind of transparency. They are trying to make an example of Mr Assange, just as we should make an example by demanding his release and making sure that we have justice and he is home with his family for Christmas.

Question agreed to.

NOTICES

Presentation

Senator Thorpe to move on the next day of sitting:

That the Senate calls on the government to expand the remit of the Aboriginal and Torres Strait Islander Social Justice Commissioner to include the monitoring and reviewing of the implementation of the recommendations of the 1992 Royal Commission into Aboriginal Deaths in Custody in all jurisdictions.

Senator Thorpe to move on the next day of sitting:

That there be laid on the table by the Special Minister of State, by no later than 5 pm on 7 December 2023, the following:

- (a) a detailed outline of the flag program's annual cost to replace the flags outside the Senate and House chambers every day during sitting weeks;
- (b) a summary of how many of these flags have been submitted to senators due to constituent requests in 2022 and 2023.

Senators Colbeck and Cadell to move on the next day of sitting:

That, noting that the National Electricity Grid is rapidly transitioning to more dispersed methods of generation, transmission and storage, and acknowledging that such transitions will transgress on agricultural, Indigenous, national or marine parks, and protected environmental lands, the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 16 July 2024:

The compulsory acquisition of land, including interests in land, for purposes related to electricity generation, transmission, distribution and storage, with particular reference to:

- (a) the interaction and efficacy of compulsory access and acquisition powers and responsibilities of Commonwealth, state and territory governments;
- (b) the adequacy of Commonwealth, state and territory legislation, policies, programs, schemes and funding relating to compulsory access and acquisition of land from landholders;
- (c) provision of, and disbursement of, compensation under Commonwealth, state and territory governments' compulsory access and acquisition legislation and policy;
- (d) identifying best practice approaches to the development and implementation of a fair national approach to compulsory access and acquisition consultation and compensation;
- (e) measures required to secure the rights of landowners, farmers and fishers to maintain and safeguard the continued productivity of agriculture and fisheries, including emergency management;
- (f) the efficacy of consultation processes between Indigenous landholders, farmers and fishers, and Commonwealth, state and territory governments and energy companies seeking to compulsorily access or acquire agricultural, Indigenous and environmental lands and marine environments; and
- (g) any related matters.

Senator Rice to move on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 8 October 2024:

The impact and mitigation of aircraft noise on residents and business in capital cities and regional towns, with particular reference to:

- (a) the effect of aircraft noise on amenity, physical and mental wellbeing and everyday life of residents;
- (b) the effect of aircraft noise on small business;
- (c) any proposals for the mitigation and limitation of aircraft noise, including flight curfews, changes to flight paths and alternatives to air travel;
- (d) any barriers to the mitigation and limitation of aircraft noise; and
- (e) any other related matters.

The Chair of the Education and Employment References Committee (Senator O'Sullivan) to move on the next day of sitting:

That the following matter be referred to the Education and Employment References Committee for inquiry and report by 2 July 2024:

The issue of stagnant and declining academic standards in Australian schools, with specific reference to:

- (a) students' proficiency in literacy and numeracy, as tested through the National Assessment Program—Literacy and Numeracy test and other authoritative tests, such as the Program for International Student Assessment;
- (b) how countries with high or markedly improving academic standards are achieving these results, the extent to which the experience of these countries can inform Australian schools, and how funding for students in Australia and other countries correlates with student performance and academic standards;

(c) evidence-based teaching practices and pedagogy (proven teaching methods), the extent to which proven teaching methods have been adopted in Australian schools, and how this has impacted on academic standards, particularly foundational skills in literacy and numeracy;

(d) the training, resources, funding and assistance available to teachers, including continuing professional development, to support the delivery of proven teaching methods;

(e) the effectiveness of current diagnostic tests and screening for skills in literacy and numeracy, including phonics and foundational maths, including the screening of students at school-entry;

(f) how relevant Australian state, territory and federal departments and agencies are working to address this growing challenge;

(g) the experience of principals, teachers, and parents in meeting the challenge of raising academic standards in Australian schools particularly for socio economically disadvantaged students and students in regional, rural and remote Australia;

(h) improvements that could be made to the Australian Curriculum to raise academic standards in Australian schools;

(i) the economic cost of stagnant and declining academic standards in Australian schools; and

(j) any other related matters.

The Minister for Agriculture, Fisheries and Forestry (Senator Watt) to move on the next day of sitting:

That the Parliamentary Joint Committee on Intelligence and Security, in undertaking any inquiry into the amendments made by the Australian Citizenship Amendment (Citizenship Repudiation) Bill 2023, also consider any amendments to the bill which have been circulated in the Senate.

Senator Tyrrell to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Defence Industry, by 6 February 2024, all documents and correspondence sent or received by the Department of Defence or the Department of Infrastructure, Transport, Regional Development, Communications and the Arts to or from the University of Tasmania and the Tasmanian Government, between 1 March 2017 and 6 December 2023, pertaining to the following Launceston City Deal projects:

(a) the Defence and maritime innovation and design precinct project;

(b) the new Department of Defence cadet facility in Launceston's northern suburbs;

(c) the upgrade of facilities for the Australian Defence Force Reserves, including projected and actual expenses for the acquisition of land, reasons for project delays, and current project progress; and

(d) divestment of the Paterson Barracks, including plans for public access to the site.

Senator Tyrrell to move on the next day of sitting:

That there be laid on the table by the Minister representing the Attorney-General, by no later than midday on 6 February 2024:

(a) all documents and correspondence relating to the location of the Federal Circuit and Family Law Court of Australia (FCFCOA) in Burnie, Tasmania generated from 1 January 2021 to 6 December 2023, between the following:

(i) the Commonwealth Attorney-General and the Tasmanian Attorney-General,

(ii) the Commonwealth Attorney-General's Department and the Tasmanian

Attorney-General's Department, and

(iii) the Commonwealth Attorney-General's Department and the FCFCOA; and

(b) all documents and correspondence relating to the proposed Burnie court complex generated from 1 August 2020 to 6 December 2023, between the following:

(i) the Commonwealth Attorney-General and the Tasmanian Attorney-General,

(ii) the Commonwealth Attorney-General's Department and the Tasmanian

Attorney-General's Department, and

(iii) the Commonwealth Attorney-General's Department and the FCFCOA; and

(iv) any related documents held within the office of the Commonwealth Attorney-General, Commonwealth Attorney-General's Department and the FCFCOA; and

(c) all documents or correspondence relating to payments to the Burnie Arts and Function Centre, while hosting the FCFCOA in Burnie, Tasmania generated from 1 September 2021 to 30 June 2023, held within the Commonwealth Attorney-General's Department.

Senator Lambie to move on the next day of sitting:

That the Senate—

(a) notes that order for the production of documents no. 421 relating to documents concerning the number of allocated and unallocated claims within the Veterans' Affairs portfolio, made on 4 December 2023, has not been complied with;

(b) requires the Minister representing the Minister for Veterans' Affairs, to comply with the order by no later than 2 pm on 7 December 2023; and

(c) requires that, should the order not be complied with by this time, the Minister representing the Minister for Veterans' Affairs attend the Senate at the conclusion of question time on 7 December 2023 to provide an explanation of the failure to comply with the order, and that:

- (i) any senator may move to take note of the explanation, and
- (ii) any such motion may be debated for no longer than 30 minutes, have precedence over all other business until determined, and senators may speak to the motion for not more than 5 minutes each.

Senator Tyrrell to move on the next day of sitting:

That there be laid on the table by the Minister representing the Treasurer, by no later than midday on 6 February 2024, all documents or correspondence relating to payments to the Burnie Arts and Function Centre while hosting the Federal Circuit and Family Court of Australia in Burnie, Tasmania generated from 1 September 2021 to 30 June 2023 held within the Department of the Treasury.

Notices of motion withdrawn: Senator Askew, at the request of Senators Dean Smith and Cash, respectively, withdrew general business notices of motion nos 432 and 429.

Senator Green to move on the next day of sitting:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 6 December 2024:

Right wing extremist movements in Australia, with particular reference to:

- (a) the nature and extent of movements and persons holding extremist right wing views in Australia, with a particular focus on:
 - (i) the threat posed by extremist movements, including right wing extremism,
 - (ii) the motivations, objectives and capacity for violence of extremist groups and individuals holding such views,
 - (iii) links between individuals and groups with international movements,
 - (iv) how individuals progress to committing acts of violence, and
 - (v) the role of the online environment in promoting extremism;
- (b) the terms and operation of the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023;
- (c) measures to counter violent extremism in Australia, with particular focus on young people; and
- (d) any other related matters.

PETITIONS

United Nations Declaration on the Rights of Indigenous Peoples

The Clerk: A petition has been lodged for presentation as follows:

To the Honourable President and members of the Senate in Parliament assembled:

We, the undersigned, support the collective and individual rights of Indigenous Peoples as outlined in the United Nations Declaration on the Rights of Indigenous Peoples and its objective to defend the survival, dignity and well-being of Indigenous peoples.

Governments are responsible for protecting and upholding these rights.

We therefore respectfully request that the Australian Parliament, with urgency, pass a law to implement the United Nations Declaration on the Rights of Indigenous Peoples.

Petition received.

NOTICES

Withdrawal

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:25): On behalf of Senator Dean Smith, I withdraw general business notice of motion No. 432.

Withdrawal

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:25): On behalf of Senator Cash, I withdraw general business notice No. 429.

BUSINESS

Leave of Absence

Senator URQUHART (Tasmania—Government Whip in the Senate) (16:25): by leave—I move:

That leave of absence be granted to the following senators:

- (a) Senator Brown for 5 and 6 December 2023, on account of ministerial business;

(b) Senator McAllister for 7 December 2023, on account of ministerial business; and

(c) Senator O'Neill for 5 December 2023, for personal reasons.

Question agreed to.

Leave of Absence

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:26): by leave—I move:

That leave of absence be granted to Senator Bragg from 5 to 7 December 2023, on account of parliamentary business.

Question agreed to.

Leave of Absence

Senator McKIM (Tasmania—Australian Greens Whip) (16:27): by leave—I move:

That leave of absence be granted to Senator Steele-John for 6 and 7 December 2023, for personal reasons.

Leave granted.

NOTICES

Postponement

The Clerk: A postponement notification has been lodged in respect of the following:

General business no. 375, standing in the name of Senator McKenzie, postponed from today to 6 February 2024.

COMMITTEES

Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:

Community Affairs References Committee—Extent and nature of poverty in Australia—from 7 December 2023 to 6 February 2024.

Environment and Communications Legislation Committee—Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022 [No. 2]—from 6 December 2023 to 7 February 2024.

Finance and Public Administration References Committee

Reference

Senator DAVID POCOCK (Australian Capital Territory) (16:29): I move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 30 June 2024:

Supporting the development of sovereign capability in the Australian tech sector, with particular reference to:

(a) the adequacy of current procurement policy settings across the Australian Government for supporting Australian tech companies, including but not limited to policies in the Digital Sourcing Framework;

(b) the challenges faced by smaller Australian tech companies in accessing public-sector procurement opportunities, including but not limited to through procurement panels;

(c) opportunities for reform of government procurement policy settings to encourage the emergence and growth of more Australian tech companies;

(d) the use of non-sovereign-Australian tech across the Australian Public Service and the consequences of that usage on the strength of Australia's tech sector;

(e) the effectiveness of the Buy Australia Plan in supporting Australian tech companies;

(f) the level of engagement and consultation between the Australian Government and Australian tech companies, including, but not limited to, through the Future Made in Australia Office;

(g) the existence and effectiveness of processes for tracking the performance of suppliers, measuring and reporting on the full and timely delivery of outcomes, and sharing information regarding supplier performance across different government departments and agencies; and

(h) any other related matters.

Question agreed to.

DOCUMENTS

Attorney-General's Department

Order for the Production of Documents

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:29): At the request of Senator Cash, I move:

That there be laid on the table by the Minister representing the Attorney-General, by no later than midday on 7 December 2023, a copy of the final report of the Australian Law Reform Commission's corporations and financial services legislation inquiry, titled *Confronting complexity: Reforming corporations and financial services legislation* (ALRC report no. 141, dated November 2023), confirmed by the Australian Law Reform Commission's social media profiles to have been submitted to the Attorney-General on 30 November 2023.

Question agreed to.

National Offshore Petroleum Safety and Environmental Management Authority

Order for the Production of Documents

Senator WHISH-WILSON (Tasmania) (16:30): I move:

That there be laid on the table by the Minister representing the Minister for Resources, by no later than 5 pm on 6 February 2024, the following documents:

(a) all correspondence between the Minister's office and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) relating to the Barossa gas project following the 2022 Federal election; and

(b) all correspondence between the Department of Industry, Science and Resources and NOPSEMA relating to the Barossa gas project following the 2022 Federal election.

Question agreed to.

Department of Industry, Science and Resources

Order for the Production of Documents

Senator WHISH-WILSON (Tasmania) (16:31): I move:

That there be laid on the table by the Minister representing the Minister for Resources, by no later than 5 pm on 6 February 2024, the following documents:

(a) all records of plugged and abandoned wells in Commonwealth waters; and

(b) all records of plugged and abandoned wells that are leaking in Commonwealth waters.

Question agreed to.

Department of Defence

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (16:31): I move:

That there be laid on the table by the Minister representing the Minister for Defence, by no later than 1 pm on 7 December 2023, the following:

(a) a detailed summary of how much money has been paid and committed to KPMG Australia Technology Solutions through the ICT 2284 OneDefence Data Program (the program) since its inception;

(b) a detailed summary of what outcomes have been delivered by KPMG Australia Technology Solutions relating to the program since its inception; and

(c) a full copy of the report prepared by Anchoram Consulting relating to the program.

Question agreed to.

Snowy Hydro 2.0

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (16:32): I seek leave to amend general business notice of motion No. 434 standing in my name relating to an order for the production of documents.

Leave granted.

Senator DAVID POCOCK: I move the motion as amended:

That there be laid on the table by the Minister for Finance, by no later than 1 pm on 11 December 2023, the following:

(a) a copy of the full, unredacted letter from the Chair of Snowy Hydro Limited, David Knox, to the Minister for Finance (Senator Gallagher) and the Minister for Climate Change and Energy (Mr Bowen) on 29 August 2023 proposing that an additional \$6 billion of Snowy 2.0 project costs be approved;

(b) a list of all the stakeholders consulted by the Finance Minister and/or the Climate Change and Energy Minister in the time between receiving the abovementioned letter and approving the additional costs on 30 August 2023; and

(c) any correspondence within and between the office of the Finance Minister, the office of the Climate Change and Energy Minister, the Department of Finance and the Department of Climate Change, Energy, the Environment and Water relating to the Snowy 2.0 project on 29 and 30 August 2023.

Question agreed to.

**Department of Finance
Department of Health and Aged Care
Order for the Production of Documents**

Senator DAVID POCOCK (Australian Capital Territory) (16:33): I seek leave to amend general business notice of motion No. 435 standing in my name relating to an order for the production of documents.

Leave granted.

Senator DAVID POCOCK: I move the motion as amended:

That there be laid on the table by the Minister for Finance, by no later than 1 pm on 14 December 2023, the following:

(a) the names of the 22 service providers on the Management Advisory Services (MAS) Panel that were sent a commercial-in-confidence document, being the MAS Supplier Matrix with Pricing, on or around 9 November 2023, wherein the rates of all 413 service providers on the MAS Panel were revealed;

(b) any correspondence within and between the Department of Finance and the Department of Health and Aged Care regarding the above breach, including but not limited to, correspondence considering the commercial consequences of said breach and any discussion of compensation for the 413 organisations whose rates were revealed through the release;

(c) any correspondence between the Department of Finance and the Minister for Finance regarding the above matter;

(d) written confirmation of which organisations among Deloitte, EY, KPMG and Scyne Advisory, or any of their subsidiaries, received the MAS Supplier Matrix; and

(e) any evidence demonstrating that the breached information was not circulated beyond the initial group of recipients by any of the 22 organisations who received the MAS Supplier Matrix in the 8 day period between when the Department of Finance became aware of the breach, on 9 November 2023, and when, on 17 November 2023, it requested that the 22 organisations sign deeds of confidentiality and statutory declarations.

Question agreed to.

NOTICES

Withdrawal

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:34): At the request of Senator Fawcett, I ask that general business notice of motion 437 be withdrawn.

DOCUMENTS

Telecommunications

Order for the Production of Documents

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:35): At the request of Senator Dean Smith, I move:

That there be laid on the table by the Minister representing the Treasurer, by no later than midday on 20 December 2023, in relation to the Pareto Phone data breach and the Australian Information Commissioner initiated investigation into Pareto Phone, any briefing notes, file notes, emails or other records of interaction since 31 July 2023 between the Assistant Minister for Competition, Charities and Treasury, and the:

(a) Australian Charities and Not-for-profits Commission;

(b) Attorney-General and/or the Attorney-General's Department;

(c) Office of the Australian Information Commissioner; or

(d) Prime Minister and/or the Department of the Prime Minister and Cabinet.

Question agreed to.

Department of Defence

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (16:35): Before asking that it be taken as a formal motion, I seek leave to amend general business notice of motion No. 439 relating to a reference to an order for the production of documents.

Leave granted.

Senator DAVID POCOCK: I move the motion as amended:

That there be laid on the table by the Minister representing the Minister for Defence, by no later than 1 pm on 11 December 2023, a list of any conflicts of interest declared from 2014 to 2021 by any individuals working as the Department of Defence's Chief Information Officer, Chief Technology Officer or Chief Information Security Officer, and by any individuals acting in any of the above positions, including but not limited to, any conflicts related to SAP and/or DXC Technology.

Question agreed to.

COMMITTEES
Supermarket Prices Select Committee
Appointment

Senator McKIM (Tasmania—Australian Greens Whip) (16:36): I move:

(1) That a select committee, to be known as the Select Committee on Supermarket Prices, be established to inquire into and report on the price setting practices and market power of major supermarkets, with particular reference to:

- (a) the effect of market concentration and the exercise of corporate power on the price of food and groceries;
- (b) the pattern of price setting between the two major supermarket chains;
- (c) rising supermarket profits and the large increase in price of essential items;
- (d) the prevalence of opportunistic pricing, price mark-ups and discounts that are not discounts;
- (e) the contribution of home brand products to the concentration of corporate power;
- (f) the use of technology and automation to extract cost-savings from consumers and employees;
- (g) improvements to the regulatory framework to deliver lower prices for food and groceries;
- (h) frameworks to protect suppliers when interacting with the major supermarkets;
- (i) the role of multinational food companies in price inflation; and
- (j) any other related matters.

(2) That the committee present its final report by 7 May 2024.

(3) That the committee consist of six senators, as follows:

- (a) two nominated by the Leader of the Government in the Senate;
- (b) two nominated by the Leader of the Opposition in the Senate;
- (c) one nominated by the Leader of the Australian Greens in the Senate; and
- (d) one nominated by other minority party or independent senators.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee;

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present; and

(d) if a member of the committee is unable to attend a meeting of the committee, that member may in writing to the Chair appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair a member nominated by the Leader of the Australian Greens in the Senate and, as deputy chair, a member nominated by the Leader of the Government in the Senate.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the committee have power to appoint subcommittees consisting of three or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator DUNIAM (Tasmania—Deputy Manager of Opposition Business) (16:36): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: I indicate that the opposition will not be pursuing the amendment that we had proposed to move. Despite that, the coalition won't be opposing this motion. We don't think a Senate inquiry is in any way going to make up for the 18 months of inaction by the Labor government that have created this home-grown inflation and made this cost-of-living crisis a lot worse than it ever had to be. Rather than empower the ACCC to monitor these issues, Labor have let the inflation problem get much worse. Australia has the most entrenched inflation amongst advanced economies according to the magazine the *Economist*, and the best thing Labor can do to support the cost of living is to rein in spending to bring down inflation. Instead, Labor have spent more than \$20,000 per household—that's taxpayers' money, not the government's money—on coming into government. We'll support this because we want to make sure we get to the bottom of these problems. It's a pity we couldn't move our amendment, but we'll talk about that another time.

Question agreed to.

Select Committee on the Transparency of Political Processes

Appointment

Senator DAVID POCOCK (Australian Capital Territory) (16:39): I move:

(1) That a select committee, to be known as the Select Committee on the Transparency of Political Processes, be established to inquire into and report on the appropriateness of the current Lobbying Code of Conduct, access to ministers' diaries and other rules and regulations, on safeguarding the integrity of the Australian Government and the Australian Parliament from inappropriate influence, with particular reference to:

- (a) the adequacy of current transparency arrangements relating to the lobbyist register;
- (b) the adequacy of the current sponsored pass system to access Australian Parliament House with particular regard to transparency and publication of pass holders and their sponsors;
- (c) the adequacy of transparency of minister's diaries, including comparisons to practices of the states and territories and other jurisdictions;
- (d) the effectiveness of transparency arrangements to ensure decision making by the executive is not unduly influenced; and
- (e) any other related matters.

(2) That the committee may report from time to time and must present its final report by 27 May 2024.

(3) That the committee consist of 6 senators, as follows:

- (a) two nominated by the Leader of the Opposition in the Senate;
- (b) two nominated by the Leader of the Government in the Senate; and
- (c) two nominated by minority party or independent senators.

(4) That:

- (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
- (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
- (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) That:

- (a) a quorum of the committee shall be 3 members of the committee where at least one member present was appointed to the committee on the nomination of minority party or independent senators and where one member present was appointed to the committee on the nomination of either the Leader of the Government in the Senate or the Leader of the Opposition in the Senate; and
- (b) a quorum of a subcommittee shall be 2 members of the committee where at least one member present was appointed to the committee on the nomination of minority party or independent senators.

(6) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(7) That the committee elect as chair a member nominated by the crossbench in the Senate and as deputy chair a member nominated by the Leader of the Opposition in the Senate.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(10) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(12) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(14) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Senator URQUHART (Tasmania—Government Whip in the Senate) (16:39): by leave—At the request of Senator Pratt, I move that the motion be amended in the terms circulated in the chamber:

(1) Paragraph (1), omit all words after "That", substitute "the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 30 April 2024: Access to Australian Parliament House by lobbyists and the adequacy of current transparency arrangements relating to the lobbyist register, with reference to the adequacy of:

- (a) current transparency arrangements relating to the lobbyist register;
- (b) the current sponsored pass system for lobbyists to access Australian Parliament House with particular regard to transparency and publication of lobbyists who are pass holders and their sponsors; and
- (c) publicly accessible information of Australian Parliament House passholders who are lobbyists and their sponsors.

(2) Omit paragraphs (2) to (14).

Question agreed to.

Original question, as amended, agreed to.

PARLIAMENTARY ZONE

Proposed Works

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (16:40): I move:

That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, relating to the Senator Susan Ryan commemorative sculpture and associated works.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs References Committee

Reference

Senator ASKEW (Tasmania—Chief Opposition Whip in the Senate) (16:41): At the request of Senator Cash, I move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 6 May 2024:

The Commonwealth Government's response to the 8 November 2023 High Court ruling in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor*, with particular reference to:

- (a) the Commonwealth Government's planning and preparedness for a ruling against the Commonwealth Government in this case;
- (b) the Commonwealth Government's preparation of legislation to address the implications of the High Court ruling;
- (c) the risks to the community associated with the release of individuals from immigration detention following the High Court ruling;
- (d) actions taken by the Commonwealth Government in the days following the High Court ruling, including:
 - (i) the decision to release individuals from immigration detention, and to subsequently grant visas including conditions,
 - (ii) the enforceability of visa conditions,

- (iii) the steps the Government took to manage risks to the community associated with the release of the cohort of individuals impacted by the High Court decision,
- (iv) other interventions or options the Government considered but did not pursue to manage risks to the community associated with the release of the cohort of individuals impacted by the High Court decision,
- (v) communication with individuals in immigration detention impacted by the High Court ruling,
- (vi) efforts made to inform victims and victims' families about the release of individuals convicted of serious crimes, and
- (vii) communication with impacted communities where individuals released from detention will reside;
- (e) any expenditure of taxpayer money associated with the High Court case and subsequent actions taken by the Commonwealth Government; and
- (f) any other related matters.

The PRESIDENT: The question is that business of the Senate No. 2 in the name of Senator Cash and moved by Senator Askew be agreed to.

The Senate divided. [16:46]

(The President—Senator Lines)

Ayes27
 Noes29
 Majority.....2

AYES

Antic, A.	Askew, W. (Teller)	Babet, R.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Colbeck, R. M.	Davey, P. M.
Duniam, J. R.	Fawcett, D. J.	Hanson, P. L.
Hughes, H. A.	Hume, J.	Kovacic, M.
Lambie, J.	Liddle, K. J.	McDonald, S. E.
McGrath, J.	McKenzie, B.	O'Sullivan, M. A.
Rennick, G.	Reynolds, L. K.	Roberts, M. I.
Ruston, A.	Sharma, D. N.	Tyrrell, T. M.

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lines, S.	McAllister, J. R.	McCarthy, M.
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.	Sterle, G.
Stewart, J. N. A.	Urquhart, A. E. (Teller)	Walsh, J. C.
Waters, L. J.	Whish-Wilson, P. S.	

Question negatived.

DOCUMENTS

Services Australia

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (16:48): I move:

That there be laid on the table by the Minister representing the Minister for Government Services, by no later than 1 pm on 7 December 2023, the following:

- (a) the full closure report relating to the Proof of Concept for Entitlement Calculation Engine (RFQDM21-615s), titled *Proof of concept 10: Machine-enabled legislative transposition closure report*; and
- (b) a detailed summary of all expenditure relating to the Entitlement Calculation Engine, including but not limited to, funding received by Pegasystems, made after the delivery of the abovementioned report.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Reference

Senator CADELL (New South Wales—Nationals Whip in the Senate) (16:49): I, and also on behalf of Senator Colbeck, move:

That, noting that as the National Electricity Grid is rapidly transitioning to more dispersed methods of generation, transmission and storage, and acknowledging that such transitions will transgress on agricultural, Indigenous, national or marine parks, and protected environmental lands, the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 16 July 2024:

The compulsory acquisition of land, including interests in land, for purposes related to electricity generation, transmission, distribution and storage, with particular reference to:

- (a) the interaction and efficacy of compulsory access and acquisition powers and responsibilities of Commonwealth, state and territory governments;
- (b) the adequacy of Commonwealth, state and territory legislation, policies, programs, schemes and funding relating to compulsory access and acquisition of land from landholders;
- (c) provision of, and disbursement of, compensation under Commonwealth, state and territory governments' compulsory access and acquisition legislation and policy;
- (d) identifying best practice approaches to the development and implementation of a fair national approach to compulsory access and acquisition consultation and compensation;
- (e) measures required to secure the rights of landowners, farmers and fishers to maintain and safeguard the continued productivity of agriculture and fisheries, including emergency management;
- (f) the efficacy of consultation processes between Indigenous landholders, farmers and fishers, and Commonwealth, state and territory governments and energy companies seeking to compulsorily access or acquire agricultural, Indigenous and environmental lands and marine environments; and
- (g) any related matters.

The PRESIDENT: The question is that business of the Senate No. 1 standing in the name of Senators Colbeck and Cadell and moved by Senator Cadell be agreed to.

The Senate divided. [16:53]

(The President—Senator Lines)

Ayes27
 Noes29
 Majority.....2

AYES

Antic, A.	Askew, W. (Teller)	Babet, R.
Cadell, R.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Colbeck, R. M.	Davey, P. M.
Duniam, J. R.	Fawcett, D. J.	Hanson, P. L.
Hughes, H. A.	Hume, J.	Kovacic, M.
Lambie, J.	Liddle, K. J.	McDonald, S. E.
McGrath, J.	McKenzie, B.	O'Sullivan, M. A.
Rennick, G.	Reynolds, L. K.	Roberts, M. I.
Ruston, A.	Sharma, D. N.	Tyrrell, T. M.

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lines, S.	McAllister, J. R.	McCarthy, M.
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.	Sterle, G.

Stewart, J. N. A.
Waters, L. J.

Urquhart, A. E. (Teller)
Whish-Wilson, P. S.

Walsh, J. C.

Question negatived.

Rural and Regional Affairs and Transport References Committee

Reference

Consideration resumed.

The PRESIDENT (16:55): I'm now going to move to the deferred vote. I remind senators that on Monday, after 6.30 pm, a division was called on the motion moved by Senator Roberts proposing a reference to the Rural and Regional Affairs and Transport References Committee. I understand that it suits the convenience of the Senate for the deferred vote to be held now. The question is that the motion as moved by Senator Roberts be agreed to.

The Senate divided. [16:57]

(The President—Senator Lines)

Ayes24
Noes31
Majority.....7

AYES

Antic, A.
Cadell, R.
Chandler, C.
Duniam, J. R.
Hume, J.
McDonald, S. E.
O'Sullivan, M. A.
Roberts, M. I.

Askew, W. (Teller)
Canavan, M. J.
Colbeck, R. M.
Fawcett, D. J.
Kovacic, M.
McGrath, J.
Rennick, G.
Ruston, A.

Babet, R.
Cash, M. C.
Davey, P. M.
Hanson, P. L.
Liddle, K. J.
McKenzie, B.
Reynolds, L. K.
Sharma, D. N.

NOES

Allman-Payne, P. J.
Chisholm, A.
Green, N. L.
Lambie, J.
McCarthy, M.
Payman, F.
Polley, H.
Sheldon, A. V.
Sterle, G.
Urquhart, A. E. (Teller)
Whish-Wilson, P. S.

Ayres, T.
Farrell, D. E.
Grogan, K.
Lines, S.
McKim, N. J.
Pocock, B.
Pratt, L. C.
Shoebridge, D.
Stewart, J. N. A.
Walsh, J. C.

Bilyk, C. L.
Gallagher, K. R.
Hanson-Young, S. C.
McAllister, J. R.
O'Neill, D. M.
Pocock, D. W.
Rice, J. E.
Smith, M. F.
Tyrrell, T. M.
Waters, L. J.

Question negatived.

Intelligence and Security Joint Committee

Report

Senator URQUHART (Tasmania—Government Whip in the Senate) (16:59): On behalf of Senator Walsh, I present the statement of the Parliamentary Committee on Intelligence and Security on its review of the 2023 relisting of two organisations as terrorist organisations under the Criminal Code.

MATTERS OF URGENCY

Albanese Government

The ACTING DEPUTY PRESIDENT (Senator Allman-Payne) (17:00): The President has received the following letter from Senator Hanson:

Pursuant to standing order 75, I give notice that today I propose to move "That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Senate to express a vote of no confidence in the Albanese Labor Government due to its broken promises and multiple failures to deliver for the Australian people on everything from national security to cost of living pressures."

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (17:00): I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Senate to express a vote of no confidence in the Albanese Labor Government due to its broken promises and multiple failures to deliver for the Australian people on everything from national security to cost of living pressures.

Back in 2017 I was in a delegation to India with other parliamentarians, including the current Prime Minister, Anthony Albanese. I learnt quite a bit about him and his leadership style, and my assessment back then was that he was a nice bloke but no leader. Since last year's election, my assessment has been proven correct. I have no confidence in the Albanese Labor government. The Prime Minister is unfit to lead and Labor is unfit to govern this nation. They are controlled by unions and by the anti-Australian Greens. They pursue policies which directly harm the Australian people and the national economy. Their list of failure, neglect and incompetence is a long one in only 18 months.

Their obsession with climate change and renewables is directly responsible for the record energy bills hurting Australian families and businesses, not to mention transmission lines on farming land. This obsession is well on the way to killing our mining and farming industries, our economic mainstays, which support regional communities and much of the taxpayer funded services Australians take for granted. They're also attacking farmers by taking more water from the communities in the Murray-Darling Basin, shutting down live exports, and polluting agricultural land with renewables or locking it up for nature repair. If you think your groceries are expensive now, just wait.

Labor's incompetence has seen the release of dangerous criminals, three of whom have already been arrested for more alleged crimes, into the community. One hundred and forty-seven have been released or are about to be released, despite the fact that the High Court's decision on extended detention related to only one of them. The government jumped the gun after they were caught with their pants down, and their only response is to blame the former government. People smugglers also have heard the message loud and clear, with a boat actually reaching the Australian mainland a few weeks ago. Immigration is out of control, with record numbers driving inflation and the national housing and rental crisis.

The PM sowed division in Australia with his disastrous campaign for a Voice to Parliament, wasting \$450 million. At least his divisive referendum exposed the failure of the \$40 billion-per-year Aboriginal industry to close the gaps. Labor refuses to investigate and audit this industry to get to the bottom of why it has failed Indigenous Australians in genuine need.

Labor has made the family law system even more one-sided against fathers by removing shared parental responsibility, and it is failing men across a range of issues. It has done absolutely nothing to address the epidemic of male suicide, which in the past year has claimed the lives of more than 2,500 men and boys. The PM has a Minister for Women and even an Assistant Minister for the Republic, which doesn't exist, but not a minister for men. Go figure.

Labor refuses to support an inquiry into the huge increase in the number of children being treated for gender dysphoria with puberty blockers and cross-sex hormones. Say no more.

Labor has given the chop to critical infrastructure projects that would improve road safety and water security. It hasn't reduced spending; it's just moved money around and held projects hostage against favourable state election outcomes, especially in Queensland.

Australians are hurting from the cost-of-living crisis. Virtually everything costs more than it did in May last year, when the Albanese Labor government was elected, including groceries, fuel, energy, rents, mortgages and insurance. These costs just keep going up and there's no end in sight. On average, mortgagees are paying over \$20,000 more per year on their home loans as the RBA desperately tries to rein in this inflation.

Labor has made a sport of disrespecting this parliament, the seat of democracy and the people's elected representatives. They've rammed through laws heavy with negative consequences for the economy, national security and the cost of living, giving the people's representatives virtually no time to review them, and I can vouch for that. When I don't get the legislation and you put it on the floor and I have no idea what is going to happen here and you

expect us to vote on it, you have no respect for the chambers or the other members in parliament, especially the crossbench. That's why there was my notice of motion.

I have no confidence in the PM or his government, and increasing numbers of Australians agree. They're actually calling for a fresh election now. If you think he's a great leader, call an election and see how the people feel about this. As I said, this is the worst government I have ever seen in parliament under four prime ministers.

Senator SHELDON (New South Wales) (17:05): The problem with this One Nation motion is that the Liberals and the Nationals say one thing about the cost of living but their actions say the exact opposite, and that's what this One Nation motion goes to the heart of. They come here and talk about the cost of living, but when we introduce bills for laws to relieve those measures, they vote against them.

Labor introduced an emergency energy bill relief plan to reduce power bills by \$230 per year. The Liberals and Nationals voted against it. Labor invested \$10 billion in new affordable housing. The Liberals and Nationals voted against it. Labor introduced laws for 60-day prescriptions, saving people millions of dollars on prescription costs. The Liberals and Nationals voted against it. Labor increased the rate of JobSeeker by \$40 a fortnight. The Liberals and Nationals voted against it. Labor set up 300,000 people to go to TAFE for free. We sent them there for free, and the Liberals and Nationals said it was a waste of money. Labor made the biggest investment in bulk-billing in Australian history. The Leader of the Opposition, Mr Dutton, led the biggest ever attack on bulk-billing when he was the health minister. He had a plan to introduce a GP tax for people to pay every time they saw the doctor.

Now, you've seen the pattern here. Every single week we come here to get more cost-of-living support out to working families, and every single week the Liberals, Nationals and One Nation come here to obstruct. Nowhere is that more obvious than when we talk about wages and conditions at work. We understand there are two parts to the cost of living: how much things cost and how much you earn. When it comes to making energy, medicine, GP visits, child care, TAFE and housing affordable, they oppose all of that. And when it comes to helping Australians get better paying and more secure jobs, they oppose that too.

We had a bill in this place last year that was literally called the secure jobs, better pay bill and the Liberals, Nationals and One Nation opposed it. What was so terrible about it? Why did they vote against it? The bill made it easier for employers and employees to make agreements that would increase wages. It ended the use of old agreements that expired years ago that trapped workers below the minimum wage. It put limits on the use of rolling fixed-term contracts for years at a time. It introduced a right to request flexible work. It made it illegal for employers to ban their workers from talking about their wages. It made it illegal to put up job ads for less than the minimum wage. These are all things the Liberals, Nationals and One Nation voted against.

The shadow workplace minister said:

We can now expect jobs will be lost ... and large and small businesses will fold ...

What actually happened? We have unemployment at record lows. Female employment and participation are at record highs. New job creation is at a record high. Wage growth is at a record high. So we know for a fact that the steps this government is taking are keeping more Australians in secure work and are delivering higher wages. We want to go further. We want to close the loopholes that some employers like Qantas and BHP use to keep wages low. One Nation and the Nationals claim to represent coalminers in Queensland and the Hunter. But, at the same time, they are voting to keep the labour hire loophole open.

We saw in the House the member for Flynn, Colin Boyce, vote against same job, same pay for mine workers in his own area. We saw the member for Capricornia, Michelle Landry, vote against same job, same pay in her own area, abandoning her community. They are all spitting in the face of mine workers who are being ripped off by the richest companies in Australia. Will One Nation and the National senators for Queensland do the same thing when the bill comes here?

Dwayne Arnold, who works through labour hire at the Grosvenor mine and is a fourth-generation mine worker, told the closing loopholes inquiry:

... I'm still paid quite substantially less than the permanent employees. It makes you feel worthless and undervalued when you're doing the same job and getting paid that much less for it ...

(Time expired)

Senator McGRATH (Queensland) (17:10): When I look at those who are sitting around the cabinet table, I think there are a lot of villages missing their village idiots. You're looking at the hapless halfwits who are attempting to run this country at the moment. When I speak to my fellow Queenslanders, I think, 'I wouldn't trust these people to operate a toaster, a kettle, a remote control', because—guess what?—they wouldn't be able to do it.

Senator Bilyk interjecting—

Senator McGrath: The interjections start like seagulls coming in for the chips. I'll throw out the chips to those Labor people over there, because that's all they can do. All they can do is shout and interject. It comes down to the simple fact that Australians do not have confidence in this government. They do not have confidence in this government, which is not keeping Australians safe, because—guess what?—the fourth person who was released 10 days ago has now been arrested. It's up to four! Congratulations, Labor. You're stuffing up the economy and now you're making sure that Australians do not feel safe at home because of your failure to—

The ACTING DEPUTY PRESIDENT (Senator Allman-Payne): Senator McGrath, resume your seat. Senator Bilyk?

Senator Bilyk: I've been told previously that 'stuffing up' is an unparliamentary term. I ask you to ask Senator McGrath to withdraw that.

The ACTING DEPUTY PRESIDENT: Senator McGrath, it would assist the chamber.

Senator McGrath: I withdraw. Labor, in a ham-fisted way, are completely messing up the economy. They're like a bunch of toddlers who've been given a very expensive tractor and are just sitting there drooling, wondering what to do with it. Then, of course, they'll press a button and break it all up. This is the damage that the Labor Party are causing to the economy, and this is quite serious because we're in a cost-of-living crisis.

What did the Labor Party do? They had a cunning plan. Like Baldrick out of *Black Adder*, it was a cunning plan that didn't really work. Prime Minister Albanese's cunning plan was to spend half a billion dollars on a referendum that would divide Australians on the basis of race. This was going to be the defining moment of Prime Minister Albanese's political career—

Senator Scarr: His legacy.

Senator McGrath: His legacy. Everybody would come together. Like a Roman Caesar being crowned, he would be the one true ruler of this continent. Sadly, he forgot to think about what the Australian people might think of his quite bonkers plan to divide Australians on the basis of race, and they, sensibly, voted no to it.

Like Ozymandias—from Tennyson, I think it was, Senator Scarr—in terms of 'look down and despair', we have a Prime Minister who bet everything on the Voice getting up. And when he woke up on 15 October with a political hangover, there was no plan B. There was no plan C, D, E, F or G. There was no other plan. What's clearly happened is that they've had to go to some focus groups. They've gotten Labor Party secretariats to do some focus groups to find out: What does middle Australia think? What are they thinking about? Three words have come in—three words that were not mentioned before 14 October—cost of living. You didn't need to spend money on focus groups. You didn't need to waste half a billion dollars on a referendum. The No. 1 issue since Labor has come to power has been the cost of living, because we've had 12 interest rate rises. We have high inflation and we do not have real wages growth in this country. This is happening under a Labor government who promised to make life better for people. But my question and my challenge to anyone who is listening to this today is: do you feel better off today than you did 18 months ago? You don't. Do you feel safer today than 18 months ago, knowing that this Labor government has released murderers, rapists, sex offenders and a contract killer out into the streets of this country? And the question people will be asking—

The ACTING DEPUTY PRESIDENT: Senator Polley?

Senator Polley: My point of order is that the motion before the chair is not the issue that the good senator is addressing. We know we have a wide-ranging view on motions, but he's not speaking to the motion.

The ACTING DEPUTY PRESIDENT: I've been listening to the senator. I believe that the senator is being relevant enough to the question.

Senator McGrath: I thank the senator for that interjection because it just proves Labor are a little bit touchy about this issue because they know the Australian people are turning on them. They know the Australian people have no confidence in those people who sit around the cabinet table and those people who sit on the Labor backbenches. Australians want a government who will deliver for them on cost of living and who'll keep them safe. What they have instead is a Prime Minister who prefers to spend his time overseas wheeling and dealing with the big deals rather than spending time in Australia understanding the concerns of middle Australia and acting on those concerns. So of course the Australian people have no confidence in this Labor government, and of course we should support a motion that sends a message to this government, which is, quite frankly: be better. Guess what their answer is? They want more politicians. No, we need better politicians and we need more common sense. (*Time expired*)

Senator Babet (Victoria—United Australia Party Whip) (17:16): I thank Senator Hanson for raising this urgency motion, which I obviously wholeheartedly support. The Albanese Labor government have truly—and I do mean truly—lost the confidence of the Australian people and lost the confidence of those in this chamber that have a brain between their ears.

Charles Dickens summed up the Albanese government perfectly when he said:

... it was the worst of times, ... it was the age of foolishness, ... it was the season of Darkness, ... it was the winter of despair ...

That's what he said—or, as the front page headline of yesterday's *West Australian* newspaper declared, 'Everything is f*cked'. That's a quote that was on the newspaper. The headline was crude—I'll admit that—but the fact that the editor even believed that he could get away with it in the first place tells you where public sentiment is at right now with this government.

If there has been a more chaotic government in this country's history, Mr Kevin Rudd would love to hear about it. If there has been a more economically clueless government in this country's history, Gough Whitlam is all ears. This Albanese government—or, as the Chinese have taken to calling it, 'the handsome boy administration'—makes Whitlam look like a fiscal conservative and makes Rudd look like a strategic genius. That's what it does. This government is so bad that people are even nostalgic about the Gillard government. Those were the days: the Gillard government!

This government promised lower electricity prices. What did we get? We got higher prices. They promised cheaper mortgages. What did we get? Eighteen months and 12 rate rises—that's what we got—and thousands of Australians becoming homeless every single month. This government promised us that they had a plan. To do what? They had a plan to lower the cost of living. What did we get? Grocery prices that require people to sell their firstborn child to pay the bill at the check-out. This government promised higher wages.

The ACTING DEPUTY PRESIDENT (Senator Allman-Payne): Senator Bilyk?

Senator Bilyk: I have a point of order. I'm actually really offended by the fact that you're talking about people selling their firstborn children. I'm very offended by that. I take very personal, deep offence to that comment, and I would like it withdrawn at once.

The ACTING DEPUTY PRESIDENT: Senator Bilyk, thank you. You've made your point of order.

Senator Bilyk interjecting—

The ACTING DEPUTY PRESIDENT: Senator Bilyk! Senator Babet, it would assist the chamber if you would withdraw the comment.

Senator Babet: I don't think I will withdraw that, because the Senate is a place for robust debate, and that's what is happening right now.

The ACTING DEPUTY PRESIDENT: Senator Babet, I've taken advice from the Clerk. I've asked you to withdraw; therefore, you are required to withdraw.

Senator Babet: No. I will not withdraw.

The ACTING DEPUTY PRESIDENT: Senator Babet, I'm advised by the Clerk that, as I have requested that you withdraw, you need to withdraw. Otherwise, it's open to me to withdraw the call from you.

Senator Babet: What I'd like to hear, Acting Deputy President, is an explanation as to why—

The ACTING DEPUTY PRESIDENT: Senator Babet, this is not a point for debate.

Senator Babet: Alright—if it pleases the chamber, I'm happy to withdraw. I want to move on. Can I continue?

The ACTING DEPUTY PRESIDENT: You have the call.

Senator Babet: Thank you, thank you, thank you. This government promised higher wages, but what did we get? It was the biggest income decline in the developed world. That's what we got. It was the largest fall in living standards in any advanced economy over the past year. This government promised it would fix the housing crisis. What did we get? It was record immigration numbers. More and more people are coming into this country, and we can't even put a roof over the heads of the people that are already here. That's what they've done. This government promised a royal commission? What did we get? Where's the royal commission into the pandemic response? We got a whitewashed COVID inquiry with no teeth, designed to cover up the failings of this political class, who wouldn't even support my inquiry into excess mortality.

This government promised no new taxes on your hard-earned super. What did we get? We got a doubling of the concessional tax rate on some superannuation accounts and the taxing of unrealised gains. This government promised us that they would bring the country together and bring Australians together. What did we get? We got a socially divisive referendum that attempted to divide us by race. That cost hundreds of millions of dollars. That's what we got. This government promised a kinder, gentler, more respectful tone. What did we get? We got Labor ministers defaming the Leader of the Opposition as a paedophile protector. That's what we got. We got a Prime Minister who dismisses those with questions as nothing but chicken littles. That's what we got.

I'm almost out of time. I haven't even touched on the energy crisis, the infrastructure crisis, the multiple foreign affairs bumbles, the hopeless state of our Defence Force, the epic unsustainability of the NDIS, the war on small business, our woke educational system or the legislated theft of wages from casual employees. What is this Labor government? It is a ship without a rudder at sea in one of the most turbulent times in modern history. To be blunt, this government is a disaster. That's what it is. I and many other Australians have no confidence in this government's ability to do anything apart from make it worse.

Senator BILYK (Tasmania) (17:23): Can I say that, in the 15 years I've been in this place, I have not seen alleged debate reduced to a base as low as I've just seen. I'm absolutely disgusted that there was even a debate with the Acting Deputy President over whether that comment would be withdrawn or not. To all those people that may not have their firstborn children alive—whose children didn't get to come home from hospital, like mine didn't—can I say: please ignore the previous speaker.

With this urgency motion, Senator Hanson seeks to criticise the Albanese government's record on addressing cost-of-living pressures. But, in doing so, she has conveniently forgotten and ignored the origins of those pressures. If you want to know the origin of the cost-of-living crisis, you simply have to look at the record of the previous government. Annual inflation was 4.9 per cent in October, but we inherited an annual inflation rate of 6.1 per cent from the previous government. The highest quarterly inflation rate in recent history, 2.1 per cent, was in the March quarter of 2022, when the Liberal-National coalition was in power. To get an understanding of why prices are high and why so many households are struggling, you just have to look at the legacy of those opposite. Under the previous government, we saw almost a decade of inaction on addressing the cost pressures facing Australian households; record low wage growth; wasteful spending, which fed inflation; and a failure to address dwindling housing supply. Those opposite made this mess, and of course it has fallen to Labor to clean it up.

We understand that people are hurting. We understand that people are doing it tough, and we have a \$23 billion cost-of-living relief package that was carefully targeted and calibrated to address the cost-of-living pressures without putting upward pressure on inflation. With this package, we're delivering energy bill relief, we're making childcare cheaper, we're making medicines cheaper, we're tripling the bulk-billing incentives to make it easier to see a bulk-billing doctor, we're delivering the largest-ever increase in rent assistance, we're easing the pressure on single parents by raising the age cut-off for parenting payment, we're expanding paid parental leave, we're building more social and affordable housing and we're getting wages moving again. We're also putting downward pressure on inflation, through responsible economic management, and this has been confirmed by several independent commentators, such as Fitch Ratings, the IMF, the OECD and the Reserve Bank governor.

If the opposition truly cared about the pressure on Australian households, rather than coming in here and making disgusting comments, they would support our cost-of-living measure. But what do the opposition do? The opposition say no. We've all heard that line 'The computer says no.' Well, guess what? The opposition say no. They say no to everything. The energy bill relief measure they opposed prevented electricity bills from rising by a further 10 per cent. Australian households and businesses might like to reflect on that when they hear the opposition complain about high electricity prices. The coalition's approach would see these bills 10 per cent higher than they are now.

While we see wages starting to get moving again thanks to our policies, we hear those opposite complain that they're not moving fast enough. This is from an opposition that, when they were in government, admitted that they deliberately kept wages low. I was in this room when the statement was made. They deliberately kept wages low. So don't be fooled by those opposite coming in here getting all uptight. As I said, it wasn't a debate; it was a yelling match, of not much interest to me, except for the line that I heard that I was offended by. But, seriously, on the opposition side you've got the memories of little goldfish.

Senator Cadell: I'm offended!

Senator BILYK: You can take offence. I'm happy for you to take offence. Take offence. I'm happy to withdraw if you're offended, but you have to stand up and say you're offended, not just pull a funny face at me. I've been here 15 years. People have sat on the opposite side to me and pulled funny faces at me for 15 years.

The ACTING DEPUTY PRESIDENT (Senator Allman-Payne): Senator Bilyk, just a reminder to direct your comments through the chair, please.

Senator BILYK: Sorry; through the chair. People interject, people pull funny faces and people make baseless comments. I heard Senator Rennick today comment about how easy it is in government to come in and make weird claims. I can't remember the exact quote, but I am going to look up *Hansard* and get it, because I think it's a really useful— (*Time expired*)

Senator ROBERTS (Queensland) (17:28): As a servant to the people of Queensland and Australia, I listen to people from across our country. Many are hurting because of the skyrocketing cost of living due to record

immigration, with 2.3 million people in Australia on visas—there are 100,000 student beds, yet the Albanese government issued a record 687,000 student visas in one year—as well as skyrocketing house prices, with foreign owners buying and locking up homes; green jackboots suppressing builders and suppliers; and ESG choking companies. People in Gladstone, Bundaberg and other regional towns and cities are living in cars, in caravans, in tents and under bridges. There are skyrocketing rental rates, if people can find a rental. High inflation is destroying wealth and being a tax—inflation due to printing money and splashing cash and to supply side restrictions.

There are high energy prices, due to solar and wind. All countries with high proportions of solar and wind have very high electricity prices. Plus there'll be the future \$60 billion in additional costs for transmission lines to hook the solar and wind into the grid that has not been budgeted for.

One Nation raises solutions to meet people's basic needs, like cutting immigration to zero, net; ending foreign ownership of property; ending net zero electricity policies; stopping endless money-printing and cash-splashes. Labor responds with ridicule, showing contempt for people's needs. This destroys confidence in the government.

We're on a highway to hell because Anthony Albanese has not grown into the prime ministership. He still acts as though selfies, music-band T-shirts and empty symbols are substitutes for thoughtful governance and hard work. They're not.

In proposing his recent Voice referendum, his arguments were shallow and condescending. He offered only a vibe and an emotion. His government tried to con the people.

This is not leadership; it's floundering. This is not governance—

The ACTING DEPUTY PRESIDENT (Senator Chandler): Order, Senator Roberts. Senator Urquhart, on a point of order?

Senator Urquhart: I think the senator is actually impugning by saying what he said about the Prime Minister, and I would ask him to withdraw that.

The ACTING DEPUTY PRESIDENT: Senator Roberts, perhaps if you could clarify your comments and then continue your remarks, noting the point of order that we've heard?

Senator ROBERTS: Certainly. I said that his government has tried to con the people, not him.

The ACTING DEPUTY PRESIDENT: Please continue, Senator Roberts.

Senator ROBERTS: This is not leadership; it's floundering. This is not governance; it's deceitful irresponsibility. This is not transparency and consultation; it's dodging scrutiny. This destroys confidence in the government.

Look at their legislation processes that are bankrupt. Last week's water amendment bill entered the House of Representatives with 31 amendments, from the government; plus 20 amendments in the Senate, from the government—a total of 51 government amendments to its own bill—plus crossbenchers' and Liberals' amendments, for a total of 69 amendments. Consultation? Hah!

The Identity Verification Services Bill 2023 was suddenly sprung on the Senate in a deal between the globalists in Labor and the globalists in the Liberals. It includes provisions for facial recognition of every Australian 16 years or older going about their everyday life, including in travel, using ATMs, in supermarkets for shopping, driving their car, in financial services—everything. It's a basis for Labor's digital identity bill that they rushed into the Senate—again, hiding from scrutiny. They were trying to rush the IR bill next, then delaying passage of what Labor said were four urgent schedules.

There was Minister Burke falsely creating the dishonest label 'closing loopholes' to hide the Hunter Mining and Energy Union's complicity in aiding some labour hire firms in Australia's largest-ever wage theft, worth billions of dollars; protecting the Fair Work Commission for blatant breaches of law in approving the Mining and Energy Union enterprise agreements enabling systemic wage theft; protecting the Fair Work Ombudsman for using a fraudulent document covering up the Mining and Energy Union's enterprise agreement systemic wage theft. They're throwing workers to the wolves and hiding mates and donors from scrutiny.

There's the nature repair bill—the arrogance! The Greens stated they were opposed, clearly. Yet the Greens now support the bill because Labor agreed to allow the Greens to move amendments to the EPBC Act. The Greens support Labor's disastrous bill in return for Labor's support for the disastrous Greens amendments to an existing law that is not before the Senate—without debate. They're hiding political mates and bosses from scrutiny.

During deceitful COVID mismanagement, Liberal and Labor governments used Labor state premiers to steal basic human rights and freedoms. The Australian Bureau of Statistics data confirms that COVID injections killed tens of thousands of people—homicide! Livelihoods and homes were lost due to injection mandates. Health bureaucrats, with plenty to hide, dig in. And what does Labor do? It covers up, and that makes them complicit.

Prime Minister Albanese breaks his royal commission promise to instead propose a whitewash to cover up the Labor states' mismanagement and deceit—hiding political mates from scrutiny.

In practice, the Albanese Labor government seeks to suppress, silence and control. That's why people have lost confidence in Prime Minister Albanese and his government. Remember the Rudd slide and the Gillard slide? After just 18 months, the media is already referring to the even steeper Albanese slide. That's why the people have lost confidence in this government.

The PRESIDENT: The question is that the motion moved by Senator Hanson be agreed to.

The Senate divided. [17:39]

(The President—Senator Lines)

Ayes23
Noes27
Majority.....4

AYES

Antic, A.	Babet, R.	Brockman, W. E.
Cadell, R. (Teller)	Cash, M. C.	Chandler, C.
Colbeck, R. M.	Davey, P. M.	Hanson, P. L.
Henderson, S. M.	Hughes, H. A.	Hume, J.
Kovacic, M.	Liddle, K. J.	McLachlan, A. L.
Nampijinpa Price, J. S.	O'Sullivan, M. A.	Rennick, G.
Reynolds, L. K.	Roberts, M. I.	Ruston, A.
Scarr, P. M.	Sharma, D. N.	

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.
McCarthy, M.	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.
Sterle, G.	Stewart, J. N. A.	Urquhart, A. E. (Teller)
Walsh, J. C.	Waters, L. J.	Whish-Wilson, P. S.

Question negatived.

Housing

The ACTING DEPUTY PRESIDENT (Senator Chandler) (17:40): The Senate will now consider the proposal from Senator David Pocock, which has also been circulated and is shown on the Dynamic Red. Is consideration of the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT: With the concurrence of the Senate, the clerks will set the clock in line with the informal arrangements made by the whips.

Senator DAVID POCOCK (Australian Capital Territory) (17:41): I move:

That, in the opinion of the Senate, the following is a matter of urgency:

The need for more government action to tackle the root causes of housing unaffordability, including capital gains tax discounts and unlimited negative gearing on investment properties, planning and net migration.

We rightly hear much talk in this place about cost of living, with Australians across the country feeling the pinch. Heading into Christmas, they're worried about paying the rent or paying the mortgage, let alone what they're going to do with their loved ones over the Christmas and New Year festive season. The thing that we don't hear enough about, in my opinion, is the link between housing and cost of living.

We've got to start having a more frank and open conversation about housing in this country. I think we need to go back to the big picture: what is housing for? Is housing a human right that everyone in our community should be

able to afford? Everyone should be able to have a safe roof over their head, which then enables other things, like being able to have a stable job and family life, attend school and all those things. Or is housing primarily an investment vehicle? Yes, some people can afford to buy a home, but we've set our tax system up to incentivise investment in housing to build wealth. Clearly, if you look at the system now, it's not working for Australians, but it's working as designed. It is working exactly as designed—to incentivise investment in property, above treating housing as something that everyone in our communities should be able to afford.

What I'm hearing from people, even people who've made very good money out of the housing market, is that they have grave concerns about the direction that we're heading in. They may have made money, but they're now looking at their kids or grandkids: what are the prospects for them? I think we're facing a generation of young people who are rightly angry about the situation and who are demanding that people in this place, who can change this, do something now. We look at house prices now that are seven to eight times household incomes. From the fifties to the eighties, they were closer to three or four times. Monthly repayments on a \$750,000 mortgage have now increased by over \$1,800 since interest rates began to rise. We see that, as housing prices have gone up and up, more and more people are renting, and for longer—almost one-third of the population. This is by design. We need to have the discussion around tax in this country when it comes to investment properties.

The capital gains tax discount cost the budget around \$4.7 billion last financial year. The PBO forecasts that in a decade's time that will increase to \$7.7 billion. Negative gearing modelling from the PBO shows that, at a cash rate of 2.85 per cent, negative gearing will cost the budget \$12.7 billion in forgone revenue between 2023 and 2033. To add insult to injury, the PBO estimates that 39 per cent of negative gearing benefits go to people earning the top 10 per cent of income.

This is having real consequences in our communities. We talk about social cohesion. We talk about income and wealth inequality. We need to do something about housing in this country, and we're not going to do it unless the major parties are actually willing to listen to people and engage in this and get away from the outrageous politics that we've seen around things like negative gearing. There are sensible ways to start turning this around, including by capping the number of properties that can be negatively geared. All the solutions are out there, and there are millions of Australians urging us, willing us, to engage in this and deliver for people. Deliver a fairer system that will create the Australia we want.

Senator REYNOLDS (Western Australia) (17:46): At the last election, I well recall some people saying, 'Why don't we give those opposite, the other mob, a go, because, really, how bad could they be and how bad could they make things in a single term?' Sadly for Australians, but particularly for Western Australians, they keep exceeding expectations on every front. For Western Australians, with 12 interest rate rises under that mob opposite, the average mortgage holder is paying an extra \$24,000 a year in mortgage repayments. Workers are paying 15 per cent more income tax. At the same time, real wages have gone backwards by over five per cent in disposable income. That is the worst in the OECD.

Clearly Australians are not better off. But there is a national housing crisis. The last Labor budget committed to allowing 1.5 million people to migrate to Australia over the next five years. That's fine if there is somewhere for them to stay and to live and they are not taking housing and rental stock away from people who are already living here. Under their policies, what has happened? National rental affordability is the lowest in three decades, with a median income household, now earning \$105,000, able to afford only 13 per cent of properties on the rental market. So people earning \$100,000 a year or over can afford only 13 per cent of the very miserly amount of stock available.

In Western Australia the situation is worse. In WA the median house rent has increased from \$500 to \$600 in the last year. This is on top of all of the other cost-of-living burdens that those opposite have placed on their households. All the while, the cost for owner-occupiers purchasing their homes has increased by 10.4 per cent in one year under those opposite. Shockingly, people in Perth under two Labor governments, federal and state, now require an annual gross income of \$136,000 to be able to afford a median home. That is a \$46,000 increase from April last year alone under those opposite and their policies. At below one per cent, WA has the tightest rental market of any state, equal at the moment with South Australia.

The Cook Labor government is making a bad situation worse. Somehow, with all the billions of dollars they've spent on housing, these geniuses have managed to have less social housing stock available, with 35,000 people on the waiting list. (*Time expired*)

Senator AYRES (New South Wales—Assistant Minister for Trade and Assistant Minister for Manufacturing) (17:49): I appreciate Senator Pocock's interest in this matter and listened to his contribution with interest. I want to acknowledge and thank him for his support over the term of this parliament for practical measures to support better housing outcomes, including his support for the Housing Affordability Future Fund.

It was extraordinary, though, to listen to Senator Reynolds's contribution. When asked to seriously consider what the measures are in relation to increasing the housing stock, it was the stock standard political attack. It underlines what the problem is with this opposition. They have not paused for a second to reflect on how bad a government they were. They've not internalised that message about how bad the Morrison government was on a whole lot of fronts, particularly economic ones, how little progress was made and how bad a Prime Minister Mr Morrison actually was, corrupting the processes of the federal government, including multiple ministries and an absurd bunyip-aristocracy attempt to pervert the processes of government in his own interests. Indeed, there's been no reflection on her own performance.

What I would say about Senator Pocock's proposition is that there are a series of lines of effort that are required from the Commonwealth and then from the states, ideally in cooperation between the Commonwealth and the states. The first and most important, in my view, goes to the supply of housing. That is structurally dealing with the challenges in affordable housing for low- and middle-income Australians by approaching the question of supply. Then there is a series of questions that go to planning, much of which are formally within the province of the states but which, again, in this government's view and in my view, should be the subject of cooperation between the Commonwealth and the states, particularly where Commonwealth funding is engaged in these broader supply efforts. Then there are issues around the supply of labour and skills in the construction industry and making sure that our skills match the requirements of building the homes that we need to build. That is, indeed, an enormous task. Despite the language from what passes for a federal opposition, it will require attending to our skilled migration settings and fixing up the smoking ruin of the skilled migration program that was left by the previous government.

This motion asks us to consider the tax questions. Some of those that have been drawn to the attention of the Senate are within the province of the Commonwealth government, but there are issues around stamp duty and a range of other charges and levies that the states have. I would say two things in relation to the tax question. Firstly, this government, both in opposition and in government, has been very clear about its position in relation to capital gains tax exemptions and negative gearing. There will not be changes in relation to those questions. We will not change our approach on that issue.

The second more substantial policy point, though, is that it is, I think, possible to argue that the taxation settings have been part of the rise in house prices over time, but it is also possible to argue that the removal or adjustment of those measures would have no positive impact on the ill that we are trying to solve. It sounds like a big argument. It sounds like a big proposition—'All you have to do is do these reforms.' But, in fact, they would have a series of perverse impacts on the challenges that we are trying to solve. That is why this government is focused on housing supply and why it rejects the notion that the kind of tax changes suggested by Senator Pocock will be adopted by the government. *(Time expired)*

Senator McKIM (Tasmania—Australian Greens Whip) (17:54): The Greens will support Senator Pocock's motion, but I want to be clear that, from the Greens viewpoint, migrants and migration should never be used as a scapegoat for successive governments' failure to ensure that everyone in this country has a home. Neither should migrants or migration be used as an excuse for the fact that not everyone in this country has a place to call a home. This government and successive governments from the neo-liberal parties in this place have abjectly failed to address the plight of the hundreds of thousands, arguably millions, of Australians who have been crushed under the oppressive weight of spiking house prices and spiralling rents. The policies of the Labor and Liberal parties in this place result in multiple billions of dollars every year being diverted out of the public purse into the already overflowing pockets of property speculators and property investors. That is via mechanisms such as those Senator Ayres just referred to—negative gearing and the capital gains tax discount.

I don't have time to address the absurdity of Senator Ayres's argument in favour of keeping those massive multiple billions of dollars' worth of concessions to property speculators while so many thousands of Australians are sleeping rough on the street because I want to talk here about the Labor Party's so-called solution to the housing crisis, the Help to Buy scheme, which is a half-hearted band-aid over a gaping wound. Incrementalism is not going to solve the problem. The Housing Australia Future Fund was incrementalism until the Greens used their balance of power in the Senate to get \$3 billion extra, and we are prepared to do the same on the Help to Buy scheme.

Senator SHARMA (New South Wales) (17:56): This is not my first speech. I thank Senator David Pocock for raising the important issue of homeownership, because Australia is a homeownership society. The ability to raise a family depends on homeownership, the likelihood of retiring in security depends on home ownership and people's engagement with community depends on homeownership. Homeowners are struggling right now not only because of the record number of rises in interest rates that we've seen under the Labor government, which means that someone with an average mortgage of \$750,000 pays \$2,000 more a month, but because house prices have skyrocketed over the last decade and a half. Today, someone on a median household disposable income can only afford 13 per cent of homes in the market.

Why is this? I think it is fundamentally a supply-side issue. We are simply not building enough new homes quickly enough or cheaply enough to meet demand. In my own state of New South Wales we need to be building 55,000 new dwellings per year to meet demand. We haven't managed to do that in the past decade and a half. A comparable housing project that takes six months to get approved in Brisbane and takes 12 months to get approved in Melbourne takes 36 months to get approved in Sydney. Undoubtedly, without seeking to politicise this, this is being exacerbated by migration levels that are much higher than we have experienced in Australia. Half a million people have arrived in Australia over the past year, which is pushing rents up and making housing affordability more scarce.

We need to focus on what we can do to unlock supply, on what we can do to encourage states and local governments to accelerate land releases, to expedite planning approval and to lessen some of the compliance and red tape that currently exists in the construction industry, so we can get more houses built and on line more quickly and cheaply and get more houses for Australians.

Senator McCARTHY (Northern Territory—Assistant Minister for Indigenous Australians and Assistant Minister for Indigenous Health) (17:58): I appreciate Senator David Pocock's interest in the area of housing. I acknowledge his support in the past for practical measures to support better housing outcomes, including supporting the Housing Australia Future Fund in this place, which we know we had to struggle to get through. What I want to bring to this debate, Senator Pocock, is the importance of housing not only for broader Australia but for First Nations people, which is an area that I have responsibility for, and with health in particular. I am conscious that, just in the Northern Territory alone, we see too often the devastating impact that homelessness and housing stress have on so many people. For those sleeping rough on the streets of Darwin City, those in regional towns like Katherine or even Tennant Creek—Katherine, in particular, which has one of the highest rates of homelessness in this country—and those in our remote communities, so many homes are run down, unsafe and barely fit for humans to live in, and it isn't uncommon to have 20 people crammed into a three-bedroom house.

There's another area for Senator Pocock to be aware of with regard to housing, and that is the lack of support in housing for our homelands and outstations in the Northern Territory. For the previous nine years, there was no movement in that space for First Nations people to move from their areas out on country. We made a commitment when we came to government that \$200 million would go towards assisting with housing on the homelands. Homelands are a really important part. For those senators who are unaware, for particular clan groups to be able to go back on country and establish their presence in those homelands has been significant. It was a movement that began in the eighties. It was well funded for quite a number of decades, and, as I said, for the previous nine years, it was not supported and not funded. It also goes a long way to reducing the conflict that we've seen, in particular in places like Wadeye. Over 12 months ago, when I was out there with the elders, many people in Wadeye needed to go back to their homelands and outstation areas. So, for the funding that goes through, when we talk about houses more broadly across Australia, we do want to ensure—as the Albanese Labor government is doing—that it is focused on particular areas, like homelands and outstations.

We're also working towards the development of a new National Housing and Homelessness Plan to help set out a shared national vision on tackling the country's housing challenges. Consultations on the development of the plan have been held around the country and online. We received around 500 submissions from individuals and organisations and held over 40 consultations with nearly 600 attendees. The government will be carefully considering these views as we continue with the development of the plan. We've also committed to an ambitious housing reform agenda, and this includes an over \$100 million investment, as I said, with the homelands now. I want to give an example: about 230 kilometres north-east of Alice Springs on the Utopia homelands, father and son Charlie and Zachariah received the keys to their restored homes. Why do I mention this? Within my area of health, one of the biggest things we're facing in terms of chronic disease is kidney failure and the fact that overcrowding is contributing to unhealthy standards for First Nations people. So I hear, very much so, the concerns raised around housing, and I want to continue to bring to the Senate's attention the importance that we place on the broader issue of ensuring more housing as well as the health and lifestyle of First Nations people in trying to close the gap.

That property on Utopia is the first of more than 80 properties to be refurbished under the \$100 million program. It is part of Closing the Gap, and I certainly look forward to giving more reports to the Senate on what we're doing in the housing and health space.

Senator LAMBIE (Tasmania) (18:03): When I first came to Canberra, the main drag, Northbourne Avenue, had blocks and blocks of public housing. I was pretty impressed, although some looked like they were in dire need of repair. I remember thinking, 'Thank God our nation's capital has housing for low-income people near the centre of town, near services, near hospitals, near schools.' Since that time, I have watched those public housing units be replaced by luxury apartment buildings—this, under a Labor-Green government of all things; you know, the guys that say they care so much about low-income people having a roof over their heads? When I was growing up in

public housing in Devonport, the shops were down the road. The school was a short walk away. Services were only a few blocks away as well, and I mixed with kids and families that didn't live in public housing.

Pushing people out to the fringes of our cities and towns, like those Canberrans who were living in Northbourne Avenue, has to stop. The 'out of sight and out of mind' approach is absolutely deplorable in itself. Take Tasmania, for example. We have two blocks in the CBD of Hobart that are dedicated to car yards—yes, that's right, car yards. Tasmania has a thing called a restrictive covenant, which means that land can never be used for public housing. It's rules like these that push low-income people into the suburbs, on the fringes, with often only a shopping centre within walking distance or a 24-hour service station, and you're lucky to get bus stops out there. Anyone who has taken a drive through the outskirts of Western Sydney will know what I'm talking about. Cities that don't cater for all of us hurt all of us—cities where nurses, police officers, teachers and shop workers have to travel hours to get to work. If the only people who can afford to live in our cities are rich people, that hurts all of us.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (18:05): Australia is in one of the worst housing crises in our history, and everyone knows it because the problem is everywhere. The Greens have been campaigning for many years to phase out tax perks for property moguls, which funnel tens of billions of dollars into the pockets of the top 10 per cent of income earners in Australia, turbocharging inequality and actually pushing up house prices. Negative gearing and capital gains tax perks mean that the government is using public money to make it easier for a property investor to buy their fifth, sixth or seventh home than for someone to buy their first home.

Right now, Labor is giving \$74 billion of public money over a decade in handouts to investors and landlords through negative gearing and capital gains tax handouts. In fact, that was their biggest budget expenditure. People who own three, four, five or 25 homes don't need the help. These tax perks drive up housing prices. They insulate the wealthy against the impact of interest rate rises, while rents continue to soar, locking young people and low-income earners out of homes to rent, let alone to buy. Labor should adopt the Greens' longstanding policy to restrict negative gearing to one investment property and to scrap the capital gains discount. Labor should stop giving handouts to property moguls with more than one investment property and instead use that money to fund a rent freeze and to build public and genuinely affordable housing.

Housing is meant to be a human right. It's like cake: no-one should get seconds until everyone's had a piece. The Greens will keep fighting for a rent freeze, for serious reforms to housing tax perks and for serious federal investment in building affordable housing.

Senator ROBERTS (Queensland) (18:07): I thank Senator Pocock for his matter of urgency and for validating the concept of net immigration that we've been pushing for quite some time. Mortgages are skyrocketing, rents keep increasing and two-thirds of young Australians believe they will never own a home, and it's easy to understand why. The housing unaffordability crisis is one of the greatest issues facing Australia. In Brisbane, the median house price is 10 times the median income. Experts consider a three per cent rental vacancy rate to be tight. Rents are rising on the back of a record low national rate of one per cent. As in all real markets, there are two things, and two things only, that affect house prices: supply and demand. Successive governments have destroyed both sides of the equation.

This is how One Nation would deliver cheaper houses and cheaper rent. In the short term, we would stop pouring fuel on the fire. Excluding tourists and short-stay visitors, there are 2.3 million visa holders in the country likely to need housing. In addition, there are roughly 400,000 tourists and other visa holders in the country. In the middle of our rental shortage, this high demand is motivating owners to convert housing to full-time Airbnbs. Two point seven million visa holders, more than 10 per cent of Australia's population, are in the country right now fighting Australians for a roof over their head. The country cannot sustain this level of overseas arrivals. That number must be cut to help housing availability and affordability.

The biggest winners from high house prices are the banks. As the Reserve Bank raises interest rates, the big banks pass that on at up to seven per cent. Yet the banks borrowed long-term funds from the RBA, the Reserve Bank of Australia, at just 0.1 per cent. They're pocketing the huge differences, leading to record-breaking profits. One Nation would never repeat the mistakes of the COVID period, where the Reserve Bank was allowed to create \$500 billion out of thin air. That led to the inflation that the Reserve Bank is now trying to fight, and the tool it uses is to send mortgage holders broke.

Finally, on the demand side, we need to ban foreign ownership of Australian assets. A single real estate agent in Sydney sold \$135 million dollars in property to Chinese buyers in just six months. Australians can't own a house in China, so why should we let foreign citizens buy property here? And on the supply side, the government needs to get out of the way with its restrictive building codes, so called green land restrictions and a spider web of employment law.

A home is a castle. Decades of indifferent governments from both sides of politics have ruined the Australian housing dream for many Australians. Only One Nation has the guts to make that dream a reality for all Australians. Affordable houses and rents and a flourishing economy are all possible under One Nation. We just need to start looking after Australians first.

Senator RICE (Victoria) (18:10): Australia is in a rental and housing crisis. The Senate's inquiry into the worsening rental crisis revealed that there are 640,000 households under severe rental stress and a 750,000 shortfall of homes for low-income earners. Low-income renters have been pushed into the private rental market, which has led to skyrocketing rents, insecurity and stress. Yet the government's plans to tackle this crisis are woefully inadequate. They are patting themselves on the back about programs that are a drop in the ocean compared with what's needed.

The Greens propose four ways forward. Firstly, we need to invest billions every year into public and community housing, instead of lining the pockets of property developers with capital gains tax discounts and negative gearing. Secondly, unlimited rent increases should be illegal. We need immediate rent freezes and rent caps. Thirdly, we must strengthen renters' rights. Fourthly, we must increase income support above the poverty line so that everyone has a roof over their heads. *(Time expired)*

The ACTING DEPUTY PRESIDENT (Senator Chandler): The question is that the motion moved by Senator David Pocock be agreed to.

The Senate divided. [18:16]

(The Acting Deputy President—Senator Chandler)

Ayes10
 Noes25
 Majority.....15

AYES

Allman-Payne, P. J.
 McKim, N. J.
 Rice, J. E.
 Whish-Wilson, P. S.

Hanson-Young, S. C.
 Pocock, B.
 Shoebridge, D.

Lambie, J.
 Pocock, D. W. (Teller)
 Waters, L. J.

NOES

Askew, W. (Teller)
 Bilyk, C. L.
 Chisholm, A.
 Grogan, K.
 McCarthy, M.
 Polley, H.
 Smith, M. F.
 Urquhart, A. E.
 Wong, P.

Ayres, T.
 Cash, M. C.
 Gallagher, K. R.
 Henderson, S. M.
 O'Neill, D. M.
 Pratt, L. C.
 Sterle, G.
 Walsh, J. C.

Babet, R.
 Chandler, C.
 Green, N. L.
 Hughes, H. A.
 Payman, F.
 Sheldon, A. V.
 Stewart, J. N. A.
 Watt, M. P.

Question negatived.

DOCUMENTS

Department of Defence

Order for the Production of Documents

Senator DAVID POCOCK (Australian Capital Territory) (18:18): I seek leave to vary the order for the production of documents agreed to early today relating to the OneDefence Data Program so that the documents will be due on the 11th rather than on the seventh.

Leave granted.

Senator DAVID POCOCK: I move:

That the order of the Senate agreed to earlier today proposing an order for the production of documents concerning the OneDefence data program (see entry no. 22) be varied to require the documents to be provided by 11 December 2023 rather than 7 December 2023.

Question agreed to.

BILLS

Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023

In Committee

Consideration resumed.

The TEMPORARY CHAIR (Senator Chandler) (18:18): The committee is considering the amendments on sheet 2307 moved by Senator Roberts. The question is that the amendments be agreed to.

Senator CHISHOLM (Queensland—Assistant Minister for Education, Assistant Minister for Regional Development and Deputy Manager of Government Business in the Senate) (18:19): I thank my parliamentary colleagues for their contributions to this debate. All in this chamber should be concerned about the footage of the National Socialist Network marching through Ballarat over the weekend. It is imperative that we look at ways we can address this concerning threat of right-wing extremism. We will work with all in this chamber on ways to address this, including a broad-ranging inquiry.

In response to a bipartisan recommendation of the PJCIS, the government has removed the express reference to the Islamic State flag from the definition of prohibited symbols. This reflects the concerns raised by members of the Muslim community that the shahada and the seal of the prophet have been misappropriated by a terrorist organisation. We will not let a terrorist organisation cause further harm or distress to any in our community. The government thanks members of the Australian Muslim community for their engagement and valuable feedback on this important legislation. I note that the Australian Muslim Advocacy Network welcome the removal of the Islamic State flag from the list of prohibited hate symbols, saying, 'This addressed concerns raised by Australian Muslim organisations.' The government condemns Islamophobia and stands with the Australian Muslim community in opposition to terrorism in all its forms.

This is an historic moment, the first Commonwealth legislation of its kind. The bill will ensure no-one will be allowed to glorify or profit from acts and symbols that celebrate the Nazis and their evil ideology. We should all be proud of this fact. This is a moment when the parliament has come together.

Senator DAVID POCOCK (Australian Capital Territory) (18:20): I just have a question for Senator Chisholm about the government not supporting a second reading amendment that basically talked about the need to actually look at the underlying causes of Nazism and not just ban some symbols.

The TEMPORARY CHAIR: Time has, unfortunately, expired, Senator Pocock. That was the time allotted for the debate on the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023. After I have put the question before the chair, I will then put the questions on the remaining stages of the bill. The question is that the amendments moved by Senator Roberts on sheet 2307 be agreed to.

Question negatived.

The TEMPORARY CHAIR: I will first deal with the amendments circulated by the Australian Greens. I understand that earlier today Senator Shoebridge withdrew the amendments on sheet 2313, so I will now deal with the amendments on sheets 2251 and 2280. The first question is that items 3, 4 and 5 of schedule 4 stand as printed.

The Australian Greens opposed schedule 4 in the following terms—

SHEET 2251

- (2) Schedule 4, items 3 and 4, page 34 (lines 11 to 18), **to be opposed.**
- (4) Schedule 4, item 5, page 34 (lines 21 to 23), **to be opposed.**

SHEET 2280

- (2) Schedule 4, item 5, page 34 (lines 21 to 23), **to be opposed.**

The TEMPORARY CHAIR (18:26): The question is that items 3, 4 and 5 of schedule 4 stand as printed.

The committee divided. [18:26]

(The Temporary Chair—Senator Chandler)

Ayes24
Noes8
Majority.....16

AYES

Askew, W.	Ayres, T.	Babet, R.
Bilyk, C. L.	Cash, M. C.	Chandler, C.
Chisholm, A.	Davey, P. M.	Gallagher, K. R.
Green, N. L.	Grogan, K.	McCarthy, M.
O'Neill, D. M.	Payman, F.	Pocock, D. W.
Polley, H.	Pratt, L. C. (Teller)	Sheldon, A. V.
Smith, M. F.	Sterle, G.	Stewart, J. N. A.
Urquhart, A. E.	Walsh, J. C.	Watt, M. P.

NOES

Allman-Payne, P. J.	Hanson-Young, S. C.	McKim, N. J. (Teller)
Pocock, B.	Rice, J. E.	Shoebridge, D.
Waters, L. J.	Whish-Wilson, P. S.	

Question agreed to.

The TEMPORARY CHAIR (Senator Chandler) (18:28): The question now is that the remaining amendments on sheets 2251 and 2280 be agreed to.

Australian Greens' circulated amendments—

SHEET 2251

(1) Schedule 4, item 1, page 34 (lines 5 to 7), omit the item, substitute:

1 Subsection 102.1(1) of the *Criminal Code* (paragraph (b) of the definition of *terrorist organisation*)

After "(2)", insert "(2A)".

(3) Schedule 4, page 34 (lines 19 and 20), omit the heading.

SHEET 2280

(1) Schedule 4, page 34 (lines 19 and 20), omit the heading.

The committee divided. [18:30]

(The Temporary Chair—Senator Chandler)

Ayes	12
Noes	22
Majority.....	10

AYES

Allman-Payne, P. J.	Babet, R.	Hanson-Young, S. C.
Lambie, J.	McKim, N. J. (Teller)	Pocock, B.
Pocock, D. W.	Rice, J. E.	Shoebridge, D.
Tyrrell, T. M.	Waters, L. J.	Whish-Wilson, P. S.

NOES

Askew, W. (Teller)	Ayres, T.	Bilyk, C. L.
Cash, M. C.	Chandler, C.	Chisholm, A.
Davey, P. M.	Gallagher, K. R.	Green, N. L.
Grogan, K.	McCarthy, M.	O'Neill, D. M.
Payman, F.	Polley, H.	Pratt, L. C.
Sheldon, A. V.	Smith, M. F.	Sterle, G.
Stewart, J. N. A.	Urquhart, A. E.	Walsh, J. C.
Watt, M. P.		

Question negatived.

The TEMPORARY CHAIR (Senator Chandler) (18:33): I will now deal with the amendment circulated by the opposition.

The CHAIR (18:33): The question is that the amendment on sheet 2286 be agreed to.

Opposition's circulated amendment—

(1) Schedule 1, item 5, page 25 (after line 25), at the end of Subdivision CA, add:

80.2N Review of this Subdivision

(1) The Minister must cause a review of the operation of this Subdivision to be undertaken as soon as possible after the end of 2 years after the commencement of this section.

(2) The person undertaking the review must give the Minister a written report of the review.

(3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

The committee divided. [18:36]

(The Chair—Senator McLachlan)

Ayes21
Noes27
Majority.....6

AYES

Antic, A.	Askew, W.	Babet, R.
Canavan, M. J.	Cash, M. C.	Chandler, C.
Davey, P. M.	Duniam, J. R.	Fawcett, D. J.
Hughes, H. A.	Kovacic, M.	Lambie, J.
McDonald, S. E.	McLachlan, A. L.	O'Sullivan, M. A. (Teller)
Rennick, G.	Reynolds, L. K.	Ruston, A.
Scarr, P. M.	Sharma, D. N.	Tyrrell, T. M.

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Gallagher, K. R.	Green, N. L.
Grogan, K.	Hanson-Young, S. C.	Lines, S.
McCarthy, M.	McKim, N. J.	O'Neill, D. M.
Payman, F.	Pocock, B.	Pocock, D. W.
Polley, H.	Pratt, L. C. (Teller)	Rice, J. E.
Sheldon, A. V.	Shoebridge, D.	Smith, M. F.
Sterle, G.	Stewart, J. N. A.	Urquhart, A. E.
Walsh, J. C.	Waters, L. J.	Whish-Wilson, P. S.

Question negatived.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

The DEPUTY PRESIDENT (18:38): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

Identity Verification Services Bill 2023

Identity Verification Services (Consequential Amendments) Bill 2023

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator CASH (Western Australia—Deputy Leader of the Opposition in the Senate) (18:39): I rise to speak on the Identity Verification Services Bill 2023 and the Identity Verification Services (Consequential Amendments) Bill 2023. This legislation came forward in strange circumstances and was rushed into this place without warning. No-one knew it was coming, and certainly a major stakeholder in this area, that I had spoken to some time ago, was not aware that this legislation was coming; it was a shock to them. And it left many questions unanswered. But what it does do is deal with something very fundamental: the Document Verification Service that underpins the operation of many of our anti-money-laundering and counterterrorism-financing laws, and it also deals with like services.

As we made clear in the other place, we have no fundamental objection to putting those services onto a statutory footing. Let's go through, though, what those services are.

The Document Verification Service has been in operation since at least 2009 and open to the private sector since 2014. It is used by the Commonwealth, by state and territory government agencies and by the private sector to confirm that the details on a person's identity document, such as a driver's licence or passport, match the original record held by the government. The Face Verification Service allows a person's face to be biometrically matched to their driver's licence or passport photo. The Face Verification Service is currently in use and only used by Commonwealth agencies—for example, to set up a myGov account. The Face Identification Service will be a service which enhances law enforcement—in particular, in relation to undercover police—and will crossmatch photos biometrically against driver's licence photos to find potential matches. The Face Identification Service will be used solely to protect lawfully assumed identities. The driver's licence photos are provided by states and territories through a database called the National Driver Licence Facial Recognition Solution.

As I have already indicated, the coalition has never had an in-principle concern with putting these services on a legislative basis. The coalition is now in a position where we, on this side, can support the legislation, because of the very significant concessions that have been made by the government.

In that regard, I want to particularly call out the work of Senator Scarr. Senator Scarr led the coalition efforts in the inquiry into this bill, and his excoriating additional comments make clear that, as it was presented to the parliament, there were very significant shortfalls in the bill that the Attorney-General of Australia wanted us to agree to. Senator Scarr called for the bill to be rewritten to address his significant concerns.

I am pleased that the government has taken up Senator Scarr's work and has seen it as a wake-up call to indeed remedy the deficiencies that were in the bill that were initially presented to the parliament. In fact, in the wake of Senator Scarr's work, the Attorney-General's office reached out to engage with us on the passage of this bill. The approach was certainly late, but it was welcome. The Attorney-General and I have since exchanged letters about the basis upon which this bill should proceed. The Attorney-General has agreed to implement, as Senator Scarr had set out in his dissenting report, every one of the 11 substantive recommendations in the committee report. The Attorney-General has also agreed to the further changes that the coalition, both Senator Scarr and I, have requested.

The many changes that have been agreed, and the supporting work around the edges, have improved this legislation. The legislation is now in a position where the coalition can support it.

Senator SHOEBRIDGE (New South Wales) (18:44): The Identity Verification Services Bill 2023 and the Identity Verification Services (Consequential Amendments) Bill 2023 were rushed through by the government, for reasons that they have still not come clean about. The conclusion that pretty much every stakeholder has drawn is that the current identity verification services procedure is unlawful, and, in the absence of any statutory underpinning, is open to legal challenge. Unless that's resolved rapidly by the government, they face, potentially, significant civil damages claims—potentially aggravated by the fact that they continue to operate a service knowing full well that it is unlawful, and in breach of, amongst other matters, the privacy laws. It would be useful, in terms of a frank exchange with the government if they would tell us, and also tell the Australian public. That kind of frankness should be expected from the government, particularly for service that's used some 120-odd million times a year and which involves the intimate personal details of pretty much every adult Australian. But we don't have that degree of transparency and clarity from the government, and I think that that's unfortunate, to say the least.

I commend the various stakeholders who engaged with the Senate inquiry into the Identity Verification Services Bill 2023 and who spent countless hours pointing out the deficiencies in the government's initial draft—the huge privacy gaps in the initial draft and the deeply problematic nature of its drafting. There were things as obvious as allowing implied consent when, on any valid privacy principle, if you're talking about sharing your biometric or other personal data, clearly, express consent is needed. There were things like ensuring clarity of drafting. There were very real and significant concerns about the bill, as drafted by the Attorney-General, and initially introduced into the parliament. That's why there were some 12 recommendations by the Legal and Constitutional Affairs Legislation Committee, ranging from ensuring that breaches of participation agreements can be dealt with properly through to ensuring that something as obvious as participation agreements be privacy-enhancing and consistent with

Australia's privacy principles; ensuring that an entity's legal obligations under privacy laws can't be watered down by agreements entered into under the scheme; ensuring that there are rule-making powers to actually enhance the privacy elements in the bill; and ensuring that there be an interim review—an urgent interim review—within 12 months of operation.

When dealing with such important issues as the private details of millions and millions of Australian citizens—details which are essential for obtaining financial services or for accessing the many essential services we now require through online activity, it's remarkable that the bill, as initially drafted, failed to deal with all of that. We had the benefit of incredibly detailed submissions from entities such as UNSW's Allen's Hub for Technology; Digital Rights Watch—and I particularly want to highlight the clarity of the evidence from Ms Lizzie O'Shea; the Law Council of Australia; the Australian Human Rights Commission; and the Human Technology Institute at UTS. It would also be wrong not to give a shout-out to Professor Ed Santow for the help he gave to the committee in his evidence.

The government having received not just the majority report but the excellent dissenting report from Senator Paul Scarr—which, I have to say, grappled with the complex evidentiary and legal issues and set out a roadmap for reform of the bill—and evidence from critical stakeholders, thankfully we now see a raft of amendments from the government that make this bill passable. It's far from perfect but probably, on balance, it's passable.

But that's not what the sector wants. It may be what the financial sector, the Australian Banking Association and the Attorney want, but it's not what the engaged stakeholders in the privacy space want. What they want is consistency in privacy laws. What they want is a set of privacy laws that will stand the test of time. One of the most extraordinary things about this little legislative venture from the Attorney-General was that, whilst the Identity Verification Services Bill 2023 was working through one track with very inadequate privacy protections in it—no doubt they would have been cutting-edge in 1983 but they don't cut the mustard in 2023—the draft Digital ID Bill 2023, which had substantially higher privacy protections, was going through under another minister. There was a draft digital ID bill out on public exhibition with substantially higher privacy protections. They were much closer to what you'd expect in 2023 in the draft Digital ID Bill, which was out on consultation at the same time as the government was trying to force through the Identity Verification Services Bill. The stakeholders said to do them together—do them once and make them coherent. For that reason, we have a second reading amendment that aims to do just that—to defer this bill until we can have a coherent set of privacy reforms and do the two bills together as core business in the first half of next year. If that doesn't succeed, then we will with some reluctance support the bill, but only because of the very significant amendments that have been drafted.

I raise one significant issue that we would normally address in committee but that, given the guillotine motion that's been moved today, there won't be an opportunity for—that is, the Greens amendments to prohibit the identity verification system from collecting or disseminating protected information. Protected information is information about an individual's health, criminal record, membership of a professional or trade association, membership of a trade union, racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, sexual orientation or practices, or disability status. For the Greens, this is a critical amendment. Information of this nature should never find its way into a federal database about us. We'll be moving amendments to expressly prohibit this information being captured or disseminated through the identity verification services process, and we would expect wholehearted cross-party support for those amendments.

We understand that the government won't support them, because they say that there's a policy in place, that they don't collect this stuff about us now, and that this bill isn't really about limiting what information we can use; it's just about making it happen. That bells the cat for us. That raises concerns for us. There should be clear legal constraints preventing critical information, which we've outlined in our amendments, ever being collected under this system, held by the government and distributed under this system.

We would urge members in this chamber to have close regard to those amendments and think, 'Do I want the next government to be collecting this information about us?' Do you want to have the protections just founded under policy which can be changed from Attorney-General to Attorney-General? Why not make it clear in black and white that this is information the government should not be collecting about us, should not be storing about us and should not be disseminating about us. I note the time, and I know other senators have contributions, so I'll conclude my observations there. I move a second reading amendment:

Omit all words after "that", substitute "further consideration of this bill be postponed until the Government's comprehensive privacy reforms are available to ensure the best possible privacy protections are in place for personal information".

Senator SCARR (Queensland—Deputy Opposition Whip in the Senate) (18:55): I will speak very briefly on the Identity Verification Services Bill 2023 because I know other senators want to speak, and there's not much time to speak. I will make three points.

The first point is in relation to timing of the process. The Law Council of Australia said:

It is troubling that such a short reporting period has been imposed on this inquiry, providing a little over two weeks for stakeholders to make submissions about a proposed legislative framework for identity verification services ...

... ..

The Law Council is concerned that the timeframe for this inquiry does not reasonably enable the Committee to carefully scrutinise whether the Bills strike the correct balance.

It is very disturbing when the Law Council of Australia makes that comment with respect to a process.

The second point I will make is again a quote from the Law Council of Australia. I think the government needs to reflect on this as it takes forward its review of the Privacy Act and also of the Digital ID Bill. The Law Council said:

As a general comment, the fragmented approach to privacy and data reform that is illustrated by these bills is not conducive to promoting harmonisation and clarity across Australia's digital identity, privacy and identity verification frameworks. The Law Council reiterates its call for a roadmap of the harmonisation of Australia's privacy and data laws to ensure the development of a national privacy framework that is consistent, clear and accessible.

The government would do well to heed those words. My colleague Senator Shoebridge, who makes an outstanding contribution on the Legal and Constitutional Affairs committees on which I serve with him, raised the issue of consent. Can I just say that expressed consent is one thing, but it also can't be Hobson's choice. It's got to be a real choice for people with respect to these matters.

The last point is to thank the members of the Attorney-General's Department for their work in relation to the bill. There were a lot of amendments that had to be made in a short period of time, and it was a pleasure to engage with them through the committee process, so thank you very much. I acknowledge Senator Anita Green for her chairing of the Legal and Constitutional Affairs Legislation Committee. We have robust debate, but she always chairs it very well. Lastly, I would like to acknowledge the input from Ms Shohini Sengupta, of the University of New South Wales Allens Hub for Technology, Law and Innovation, and also Ms Olga Ganopolsky, the chair of the Privacy Law Committee of the Business Law Section of the Law Council of Australia.

Senator ROBERTS (Queensland) (18:58): One Nation strongly opposes the Identity Verification Services Bill 2023. Here's why. The Albanese government's great mate, Blackrock boss Larry Fink, and predatory billionaires at the World Economic Forum are fond of the phrase 'you will own nothing and be happy'. What they really mean is that they will own everything and you will comply. Why would people voluntarily enslave themselves, give up their homes, cars and household goods and lose the right to travel freely, I hear you ask. The answer is that people will not be given a choice. They will be coerced—forced into it. That's the purpose of this government's triad of tyranny. First is the Identity Verification Services Bill 2023, which will normalise and allow the use of biometric data to locate and track citizens. Second is the Digital ID Bill 2023, which will force every Australian into having a digital ID. Third is the Misinformation and Disinformation Bill 2023, which will ensure media and social media only carry government sanctioned opinions; the government will be exempted and can be free to spread misinformation and disinformation.

Biometric data is your face turned into a data file based on your physical characteristics. It allows for faster and more accurate identification. They will capture your face. The national drivers licence database is being upgraded to become the repository of your master identification record, which is already used to establish your identity with a paper check. Now it will have a facial scan.

Australians do not need to consent in a meaningful manner. The bill currently uses the word 'consent' without definition. Consent can be implied. Here's an example. If a person sees a video of themselves on a self-service check-out at the supermarket and uses the check-out anyway, it's considered implied consent. The government has accepted that implied consent is no consent at all and has upgraded the reference to 'consent' in their amendment on sheet UD100 to 'explicit consent'. That isn't good enough either. Explicit consent can be provided as blanket consent. An example would be MasterCard changing their terms and conditions to allow for facial recognition whenever their card is used. Once the card owner gets the email saying, 'We have updated our terms and conditions. Click here to approve,' and people click without reading it, one of those new terms could be permission for facial recognition. Did you give consent? No.

Banks currently record the image of anyone using their ATMs and then use that in the case of a fraudulent transaction. Banks will update their terms and conditions to give themselves the right to run your biometric verification on each occasion before allowing access to your account. Refusing the new permission gives your bank or card company the right to refuse service. It's that simple. It's blackmail. This is why the government suggesting a digital ID or biometric data check will be voluntary is a complete lie. It's compulsory, because not agreeing means

you lose your bank account or payment card or service—just as those voluntary COVID injections were compulsory if you wanted to keep your job and your house and feed your family.

I foreshadow an amendment in the committee stage on sheet 2327 to change the definition of 'explicit' to 'active', meaning on each occasion your face is to be scanned they must ask permission before they scan it and make sure they get your permission each time. That's active consent. This should be supported, because the government already says Australians will have to consent to their biometric data being used—unless, of course, that was misinformation.

This bill does not offer a direct link between the authentication action at a check-out, office, airport et cetera and the master file. A government hub receives a request and pulls the master file, meaning only the government has access to the master file. This seems to look acceptable, yet it means there's a master file with 17 million records containing name, address, telephone, date of birth, drivers licence number, passport number and a biometric identification file all sitting in the same database. That's all the information necessary to steal someone's ID and impersonate them online—a hacker's paradise.

Robodebt proved that our bureaucrats are incapable of even a simple one-to-one database match, and now they're being trusted to pull this off. It's impossible without a high level of compulsion and without completely ignoring victims of software or data-matching errors. If the look-up fails, then your purchase, travel, document, signing or whatever other use fails. If the purchase was for petrol, your family could be stranded late at night. We might as well start the royal commission now.

Downstream from the big government database are what I call intermediaries or entities with participating agreements. There are 20 of these so far. Their role is to take a request for authentication from a bank or card processor, solicitor, real estate agent, airline—anyone needing you to prove you are who you say you are—and submit that to the national drivers licence database hub to run past the master database. In the original bill there were no effective checks and balances on those businesses. The government's amendment of its own bill has added a few checks and balances to ensure that intermediaries must delete data received as part of the verification process. Thank you, Minister Gallagher. That, taken together with my amendment to make the level of consent clear, takes some of the potential abuse out of the bill. A clear privacy statement would have helped. The government have promised they will do that later. There are trust issues around that promise.

Questions remain around the New South Wales government's comment that this bill will allow them to verify that every person detected driving a car past a surveillance camera has a drivers licence. The only way this can be achieved is if every driver is scanned every time they pass a detection camera and their image is compared to the national database. Does this mean those cameras going up around Australia are just the right height to scan the driver's face and that the cameras will be used to scan and verify your identity each time you pass one? Yes, it does. Before they work out who you are and whether you have a licence, they have to scan and verify your biometrics. It's the only explanation for the New South Wales government's comment.

For those listening to this with incredulity, I remind you that this is exactly the system now in place in London, with Lord Mayor Khan's ULEZ, Ultra Low Emission Zone, and in Birmingham, Manchester and other cities in Britain. It's really the World Economic Forum's 15-minute cities happening right now. Residents are locked into their zone and can only leave a certain number of times a year. This is happening in Britain. That depends on the make and model of the car you drive. If you drive a car they don't like, you can't move. Rich people who can afford electric cars can, of course, come and go as they please. Everyday citizens are locked in or, when they leave, the cameras detect them leaving and fine them on the spot. It's a fine of 180 pounds a week for leaving over seven days. That's in Britain now. Already it has raised hundreds of millions of pounds because people will pay for freedom. Look it up. Don't just trust me: look it up. There are fines for not registering with the system and fines for breaching the 15-minute limits. It's a virtual fence. It's like an electric dog collar. It's the foundation for a social credit system to completely control people's lives. So don't tell me this is a conspiracy theory. It's real and it's happening now in our mother country.

Cash is necessary to ensure these measures are ameliorated as much as possible, which is why the globalist wing of the Liberal Party tried to ban cash in the last parliament, which One Nation defeated. It should be obvious that predatory, parasitic billionaires and some of their lackeys in the Labor and Liberal Party are getting their ducks in a row because they want to be ready for the full implementation of their globalist masters' control agenda, exactly as they promised. It's not like they're hiding any of this. When they tell us what they're going to do, listen.

Remember this government's triad of tyranny. Already entered into parliament is the Identity Verification Services Bill 2023 to normalise and allow the use of biometric data to locate and track citizens. Here it is. There's the Digital ID Bill 2023 to force every Australian into having a digital ID. There's the misinformation and disinformation bill 2023, which will ensure media and social media only carry government sanctioned opinions,

and the government is exempted. I implore the Senate to vote against this bill and to reject this bill. This is the first of three bills necessary to turn Australia into the world's first World Economic Forum digital prison.

Senator CANAVAN (Queensland) (19:08): Senator Roberts has rightly outlined the serious concerns with privacy in the Identity Verification Services Bill 2023 that were similarly outlined to the Senate committee on this bill. Digital rights campaigners are aghast at the government, which is proceeding with this massive expansion of a surveillance state without introducing related reforms to the Privacy Act that would protect people's data when it's centralised with a government that will be unaccountable now because of these changes.

Nothing demonstrates more why we should oppose this bill tonight than that the government has allotted the sum total of 30 minutes for debate. One of the most significant pieces of legislation to come before our parliament this year, massively expanding the amount of power and surveillance the state has over Australian citizens and individuals, has been given the sum total of 30 minutes for debate. I will not get to make the normal 15-minute contribution here because I rose with just one minute left on the clock. The government is trying to gag any opposition to this bill because it cannot defend why it needs to collect so much data on law-abiding Australian citizens in this country.

The ACTING DEPUTY PRESIDENT (Senator Walsh): Senators, in accordance with the resolution agreed to earlier today, the time for consideration of the Identity Verification Services Bill 2023 and a related bill has expired. After I have put the question before the chair, I will then put the questions on the remaining stages of the bills. The question is that the second reading amendment on sheet 2158, moved by Senator Shoebridge, be agreed to.

Question negatived.

Senator SHOEBRIDGE (New South Wales) (19:10): by leave—We don't want a division on this, but we want our position recorded.

Senator ROBERTS (Queensland) (19:10): by leave—Could I have my name recorded as supporting the Greens' amendment on sheet 2158 please.

The ACTING DEPUTY PRESIDENT (Senator Walsh): The question now is that these bills be now read a second time.

Question agreed to.

Bills read a second time.

The ACTING DEPUTY PRESIDENT (Senator Walsh): I will now deal with the Committee of the Whole amendments, starting with the amendments circulated by the government. I understand the minister has documents to table.

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) (19:11): I table a supplementary explanatory memorandum relating to the government amendments to the bill.

The ACTING DEPUTY PRESIDENT (Senator Walsh): I will first deal with the Committee of the Whole amendments to the Identity Verification Services (Consequential Amendments) Bill 2023 on sheet UD100. The Australian Greens have circulated amendments to government amendments (31) and (35). The question is that the Australian Greens amendments on sheet 2326 to government amendments (31) and (35) be agreed to.

Australian Greens' circulated amendments—

(1) Amendment (31), omit the amendment, substitute:

"(31) Clause 36, page 41 (lines 16 to 18), omit "A review of the operation of this Act and the provision of identity verification services must be started within 2 years. A report of the review must be tabled in Parliament.", substitute "An interim review and review of this Act must be conducted.""

(2) Amendment (35), subclause 43(1A), omit "as soon as practicable after 12 months, and before the end of 2 years,", substitute "within 12 months".

(3) Amendment (35), after paragraph 43(1B)(a), insert:

(aa) any other law of the Commonwealth that regulates privacy, facial recognition or biometric data, to the extent that the other law is relevant to this operation of this Act; and

Question negatived.

The ACTING DEPUTY PRESIDENT: Pauline Hanson's One Nation have circulated amendments to government amendments (8) and (27). The question is that the Pauline Hanson's One Nation amendments on sheet 2327 to government amendments (8) and (27) be agreed to.

Pauline Hanson's One Nation's circulated amendments—

(1) Amendment (8), omit the amendment, substitute:

"(8) Clause 9, page 16 (line 32), omit "consent to", substitute "active express consent to each instance of"."

(2) Amendment (27), omit the amendment, substitute:

"(27) Clause 35, page 39 (line 20), omit "consented to", substitute "actively and expressly consented to each instance of"."

The Senate divided. [19:16]

(The Acting Deputy President—Senator Walsh)

Ayes6
 Noes33
 Majority.....27

AYES

Antic, A.	Babet, R.	Canavan, M. J.
Hanson, P. L.	Rennick, G.	Roberts, M. I. (Teller)

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Cash, M. C.	Chisholm, A.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Henderson, S. M.	Lambie, J.	McCarthy, M.
McGrath, J.	McKim, N. J.	O'Neill, D. M.
O'Sullivan, M. A. (Teller)	Payman, F.	Pocock, B.
Pocock, D. W.	Polley, H.	Pratt, L. C.
Rice, J. E.	Scarr, P. M.	Sheldon, A. V.
Shoebridge, D.	Smith, M. F.	Sterle, G.
Stewart, J. N. A.	Tyrrell, T. M.	Urquhart, A. E.
Walsh, J. C.	Waters, L. J.	Whish-Wilson, P. S.

Question negatived.

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:18): The question now is that the government amendments on sheet UD100 be agreed to.

Government's circulated amendments—

(1) Clause 2, page 2 (lines 2 to 9), omit subclause (1), substitute:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 14 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent.	
2. Sections 15 to 41	The earlier of: (a) the commencement of rules made under section 44 of this Act; and (b) the start of the day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	
3. Section 42	The day after this Act receives the Royal Assent.	
4. Section 43	At the same time as the provisions covered by table item 2.	
5. Section 44	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Clause 3, page 3 (after line 4), at the end of the clause, add:

Note: The objects in paragraphs 3(a), (b) and (d) are authorised and provided for by Parts 2, 3 and 5. In accordance with the object in paragraph 3(c), Part 4 prohibits the use or disclosure of, or access to, identification information, unless it is in accordance with the objects of this Act or in other limited circumstances.

(3) Clause 4, page 4 (after line 21), after the paragraph beginning "Those requests", insert:

Part 4 of this Act prohibits the use or disclosure of, or access to, identification information, unless it is in accordance with the objects of this Act or in other limited circumstances.

(4) Clause 5, page 8 (lines 9 to 12), omit the definition of *IGIS official*.

(5) Clause 5, page 9 (lines 9 to 13), omit the definition of *Ombudsman official*.

(6) Clause 6, page 14 (after line 6), at the end of the clause, add:

Identification information taken to be personal information

(6) Identification information is taken to be personal information for the purposes of the *Privacy Act 1988*.

(7) Clause 7, page 15 (line 9), omit "consent", substitute "express consent".

(8) Clause 9, page 16 (line 32), omit "consent", substitute "express consent".

(9) Clause 9, page 17 (line 7), omit "consent", substitute "express consent".

(10) Clause 9, page 17 (line 23), at the end of subclause (2), add:

; and (g) the Department to notify each party to the agreement that is relevant to, or impacted by, a data breach of which the Information Commissioner is informed under paragraph (f); and

(h) each party notified under paragraph (g) of a data breach, that is impacted by that breach, to take reasonable steps to notify each individual to whom the identification information relates.

(11) Clause 9, page 17 (line 25), omit "consent", substitute "express consent".

(12) Clause 9, page 18 (after line 9), at the end of the clause, add:

(4) A participation agreement must provide that a party to the agreement is not authorised to use or disclose identification information obtained for the purposes of requesting or providing identity verification services for the purposes of any of the following:

(a) engaging in activities that would allow the party to create a data profile of the person whose identity is being verified (including where it would allow the person's behaviour to be tracked (whether or not online));

(b) offering to supply goods or services;

(c) advertising or promoting goods or services;

(d) enabling another person or entity to offer to supply goods or services;

(e) enabling another person or entity to advertise or promote goods or services;

(f) market research.

(13) Clause 10, page 18 (after line 33), after paragraph (2)(a), insert:

(aa) if the identity verification service is an FVS—to take reasonable steps to destroy each facial image of an individual that is created, for the purposes of the request, by the party requesting the service, as soon as reasonably practicable after the image is no longer required for the purposes of the request, unless the image is:

(i) a Commonwealth record (within the meaning of the *Archives Act 1983*); or

(ii) required by a law of the Commonwealth, a State or a Territory, or by an order of a court or tribunal, to be retained; and

(14) Page 19 (after line 12), after clause 10, insert:

10A Failure to comply with participation agreements

(1) This section applies if:

(a) a party to a participation agreement is subject to the *Privacy Act 1988*; and

(b) an act or practice of the party, relating to personal information about an individual, does not comply with a requirement of:

(i) the agreement in relation to a matter covered by section 9 or 10 (other than paragraph 10(1)(b)) of this Act; or

(ii) rules prescribed for the purposes of subsection 44(1A) of this Act.

(2) For the purposes of the *Privacy Act 1988*, the act or practice is taken to be:

(a) an interference with the privacy of the individual; and

(b) covered by sections 13 and 13G of that Act.

(15) Clause 12, page 19 (line 29), after "agreement", insert ", rules made for the purposes of subsection 44(1A),".

(16) Clause 12, page 19 (after line 30), at the end of the clause, add:

Note: Under subsection 44(1A), the rules may prescribe requirements relating to privacy with which a party to a participation agreement must comply.

(17) Clause 15, page 24 (line 6), omit "12 months", substitute "the period specified by subsection (3)".

(18) Clause 15, page 24 (after line 11), at the end of the clause, add:

(3) For the purposes of subsection (2), the period is:

(a) 12 months; or

(b) if the rules prescribe a longer period of up to 18 months for the purposes of this paragraph—that longer period.

(19) Clause 23, page 30 (line 5), omit "The Department", substitute "In accordance with the object of this Act covered by paragraph 3(a), the Department".

(20) Clause 26, page 31 (line 5), omit "The Department", substitute "In accordance with the object of this Act covered by paragraph 3(b), the Department".

(21) Clause 29, page 35 (before line 4), before the paragraph beginning "Current and former", insert:

An object of this Act is to protect identification information communicated to approved identity verification facilities, and certain other information relating to the use or security of those facilities.

This Act does this by prohibiting the use or disclosure of, or access to, identification information, unless it is in accordance with the objects of this Act or in other limited circumstances.

(22) Clause 29, page 35 (lines 20 and 21), omit "an IGIS official or Ombudsman official", substitute "an official of an integrity agency".

(23) Clause 29, page 35 (line 22), omit "consent", substitute "express consent".

(24) Heading to Division 2, page 36 (lines 1 and 2), omit the heading, substitute:

Division 2—Prohibition on recording or disclosure of, or access to, information by entrusted persons

(25) Heading to clause 30, page 36 (line 3), omit the heading, substitute:

30 Prohibition on recording or disclosure of, or access to, information by entrusted persons

(26) Clauses 33 and 34, page 39 (lines 1 to 15), omit the clauses, substitute:

33 Information communicated etc. to integrity agencies

(1) An entrusted person may disclose protected information if:

(a) the disclosure is to any of the following persons:

(i) the Inspector-General of Intelligence and Security, or a person covered by subsection 32(1) of the *Inspector-General of Intelligence and Security Act 1986*;

(ii) the Commonwealth Ombudsman, or another officer (within the meaning of subsection 35(1) of the *Ombudsman Act 1976*);

(iii) the Information Commissioner, a member of the staff of the Office of the Information Commissioner, or a consultant engaged under the *Australian Information Commissioner Act 2010*;

(iv) the National Anti-Corruption Commissioner, or another staff member of the NACC (within the meaning of the *National Anti-Corruption Commission Act 2022*);

(v) the Inspector of the National Anti-Corruption Commission, or a person assisting the Inspector (within the meaning of the *National Anti-Corruption Commission Act 2022*); and

(b) the disclosure is for the purpose of that person exercising a power, or performing a function or duty.

(2) An entrusted person may make a record of or access protected information for the purpose of disclosing the protected information under subsection (1).

(27) Clause 35, page 39 (line 20), omit "consented", substitute "expressly consented".

(28) Clause 35, page 39 (line 30), omit "consents", substitute "expressly consents".

(29) Clause 36, page 41 (before line 4), before the paragraph beginning "The Secretary may delegate", insert:

An object of this Act is to provide for oversight and scrutiny of the operation and management of the approved identity verification facilities. This Part provides for that oversight and scrutiny, as well as dealing with other miscellaneous matters.

(30) Clause 36, page 41 (lines 10 and 11), omit "the operation and management of".

(31) Clause 36, page 41 (lines 16 to 18), omit "A review of the operation of this Act and the provision of identity verification services must be started within 2 years. A report of the review must be tabled in Parliament.", substitute "An interim review and review of this Act must be conducted, both of which must be started within 2 years of the commencement of section 43 of this Act.".

(32) Clause 40, page 43 (lines 13 to 15), omit paragraph (1)(a), substitute:

(a) assessing the approved identity verification facilities in relation to any act or practice of the Department during the financial year;

(33) Clause 40, page 43 (lines 17 to 22), omit subclauses (2) and (3), substitute:

(2) For the purposes of the *Privacy Act 1988*, an assessment under subsection (1) of this section is taken to be an assessment under paragraph 33C(1)(a) of that Act.

(34) Heading to clause 43, page 46 (lines 18 and 19), omit the heading, substitute:

43 Interim review, and review of this Act and provision of identity verification services

(35) Clause 43, page 46 (before line 20), before subclause (1), insert:

Interim review

(1A) The Minister must cause an interim review to be started as soon as practicable after 12 months, and before the end of 2 years, of the commencement of this section.

(1B) The interim review must consider the adequacy and operation of:

(a) the privacy protections contained in this Act; and

(b) the security requirements and obligations contained in this Act; and

(c) the penalties for non-compliance with obligations set out in participation agreements, including considering whether civil penalties should apply.

Review of Act and provision of identity verification services

(36) Clause 43, page 46 (before line 23), before subclause (2), insert:

Consultation, preparation and tabling of reports

(2A) The President of the Australian Human Rights Commission, the Human Rights Commissioner appointed under section 8B of the *Australian Human Rights Commission Act 1986*, and the Information Commissioner, must be consulted in relation to a review under subsection (1A) or (1).

(37) Clause 44, page 47 (after line 4), after subclause (1), insert:

(1A) Without limiting subsection (1), the rules may prescribe requirements relating to privacy with which a party to a participation agreement must comply.

Consultation on draft rules

(1B) Before making or amending any rules under subsection (1), the Minister must:

(a) cause to be published on the Department's website a notice:

(i) setting out the draft rules or amendments; and

(ii) inviting persons to make submissions to the Minister about the draft rules or amendments within the period specified in the notice (which must be at least 28 days after the notice is published); and

(b) if the rules deal with matters that relate to the privacy functions (within the meaning of the *Australian Information Commissioner Act 2010*)—consult the Information Commissioner; and

(c) consider any submissions received within the specified period.

(1C) The Minister may consider any submissions received after the specified period if the Minister considers it appropriate to do so.

Limitation on rules

(38) Clause 44, page 47 (before line 14), before subclause (3), insert:

Disallowance and sunset of rules

Question agreed to.

The ACTING DEPUTY PRESIDENT: I will now deal with the amendments circulated by the Australian Greens. The question is that the amendments on sheet 2157 revised be agreed to.

Australian Greens' circulated amendments—

(1) Clause 5, page 9 (after line 19), after the definition of *protected information*, insert:

restricted information of an individual means:

(a) health information (within the meaning of the *Privacy Act 1988*) about the individual; or

(b) information or an opinion about the individual's criminal record; or

(c) information or an opinion about the individual's membership of a professional or trade association; or

(d) information or an opinion about the individual's membership of a trade union; or

(e) other information or opinion that is associated with an individual and is prescribed by the rules; or

(f) information or an opinion about the individual's:

- (i) racial or ethnic origin; or
- (ii) political opinions; or
- (iii) membership of a political association; or
- (iv) religious beliefs or affiliations; or
- (v) philosophical beliefs; or
- (vi) sexual orientation or practices; or
- (vii) disability status.

(2) Clause 23, page 30 (after line 11), at the end of the clause, add:

However, the Department must not collect, use or disclose restricted information of an individual in developing, operating and maintaining approved identity verification facilities.

(3) Clause 25, page 30 (line 27), at the end of the clause, add:

; and (c) not collect, use or disclose information that is restricted information of an individual.

(4) Clause 26, page 31 (after line 18), at the end of the clause, add:

However, the Department must not collect, use or disclose identification information that is restricted information of an individual for any of those purposes.

(5) Page 34 (after line 12), at the end of Division 2, add:

28A Collection, use and disclosure of restricted information of individuals

Despite sections 27 and 28, the Department must not collect, use or disclose identification information that is restricted information of an individual.

The Senate divided. [19:20]

(The Acting Deputy President—Senator Walsh)

Ayes8
 Noes30
 Majority.....22

AYES

Allman-Payne, P. J.
 Pocock, B.
 Waters, L. J.

Hanson-Young, S. C.
 Rice, J. E.
 Whish-Wilson, P. S.

McKim, N. J. (Teller)
 Shoebridge, D.

NOES

Antic, A.
 Bilyk, C. L.
 Chisholm, A.
 Grogan, K.
 Lambie, J.
 O'Neill, D. M.
 Pocock, D. W.
 Roberts, M. I.
 Smith, M. F.
 Tyrrell, T. M.

Ayres, T.
 Canavan, M. J.
 Gallagher, K. R.
 Hanson, P. L.
 McCarthy, M.
 O'Sullivan, M. A. (Teller)
 Polley, H.
 Scarr, P. M.
 Sterle, G.
 Urquhart, A. E.

Babet, R.
 Cash, M. C.
 Green, N. L.
 Henderson, S. M.
 McGrath, J.
 Payman, F.
 Pratt, L. C.
 Sheldon, A. V.
 Stewart, J. N. A.
 Walsh, J. C.

Question negatived.

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:22): I will now deal with the government amendment to the Identity Verification Services (Consequential Amendments) Bill 2023. The question is that the amendment on sheet UD102 be agreed to.

Government's circulated amendment—

(1) Clause 2, page 2 (table item 1), after "commencement of", insert "section 24 of".

Question agreed to.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:23): The question now is that the remaining stages of the bills be agreed to and the bills be now passed.

The Senate divided. [19:24]

(The Acting Deputy President—Senator Walsh)

Ayes32
Noes6
Majority.....26

AYES

Allman-Payne, P. J.
Cash, M. C.
Green, N. L.
Henderson, S. M.
McKim, N. J.
Payman, F.
Polley, H.
Scarr, P. M.
Smith, M. F.
Tyrrell, T. M.
Waters, L. J.

Ayres, T.
Chisholm, A.
Grogan, K.
Lambie, J.
O'Neill, D. M.
Pocock, B.
Pratt, L. C. (Teller)
Sheldon, A. V.
Sterle, G.
Urquhart, A. E.
Whish-Wilson, P. S.

Bilyk, C. L.
Gallagher, K. R.
Hanson-Young, S. C.
McCarthy, M.
O'Sullivan, M. A.
Pocock, D. W.
Rice, J. E.
Shoebridge, D.
Stewart, J. N. A.
Walsh, J. C.

NOES

Antic, A.
Hanson, P. L.

Babet, R. (Teller)
Rennick, G.

Canavan, M. J.
Roberts, M. I.

Question agreed to.

Bills read a third time.

Interactive Gambling Amendment (Credit and Other Measures) Bill 2023

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:26): I will now put the questions on the remaining stages of the Interactive Gambling Amendment (Credit and Other Measures) Bill 2023.

Senator HENDERSON (Victoria) (19:27): I seek leave to have my speech incorporated into *Hansard*.

Leave not granted.

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:27): I will first deal with the second reading amendment circulated by Senator David Pocock. The question is that the second reading amendment on sheet 2259 be agreed to.

Senator David Pocock's circulated amendment—

At the end of the motion, add ", but the Senate:

(a) commits to diminishing the political influence of the online wagering industry, in the interests of protecting Australians and harm reduction strategies from industry influence; and

(b) calls on all politicians and all political parties to stop accepting political donations from the online wagering industry and revoke any passes that they have sponsored for members of the industry, and their agents, to access Parliament House".

The Senate divided. [19:28]

(The Acting Deputy President—Senator Walsh)

Ayes11
Noes24
Majority.....13

AYES

Allman-Payne, P. J.
McKim, N. J.
Rice, J. E.
Waters, L. J.

Hanson-Young, S. C.
Pocock, B.
Shoebridge, D.
Whish-Wilson, P. S.

Lambie, J.
Pocock, D. W. (Teller)
Tyrrell, T. M.

NOES

Askew, W.
Bilyk, C. L.
Green, N. L.
Henderson, S. M.
O'Sullivan, M. A.
Pratt, L. C.
Sheldon, A. V.
Stewart, J. N. A.

Ayres, T.
Chisholm, A.
Grogan, K.
McCarthy, M.
Payman, F.
Roberts, M. I.
Smith, M. F.
Urquhart, A. E.

Babet, R.
Gallagher, K. R.
Hanson, P. L.
O'Neill, D. M.
Polley, H.
Scarr, P. M. (Teller)
Sterle, G.
Walsh, J. C.

Question negatived.

Original question agreed to.

Bill read a second time.

The ACTING DEPUTY PRESIDENT (Senator Walsh) (19:31): I will now deal with the Committee of the Whole amendments, starting with the amendments circulated by the Australian Greens. The question is that Australian Greens' amendments (1) to (10) on sheet 2117 be agreed to.

Australian Greens circulated amendments—

- (1) Schedule 1, item 1, page 4 (line 7), omit "wagering", substitute "gambling".
- (2) Schedule 1, item 4, page 4 (line 19), omit "**wagering**", substitute "**gambling**".
- (3) Schedule 1, item 5, page 4 (line 24), omit "wagering", substitute "gambling".
- (4) Schedule 1, item 6, page 5 (line 7), omit "**wagering**", substitute "**gambling**".
- (5) Schedule 1, page 5 (after line 10), after item 7, insert:

7A Paragraph 15C(1)(a)

After "wagering service", insert "or an excluded lottery service".

- (6) Schedule 1, item 9, page 5 (line 17), after "wagering service", insert "or an excluded lottery service".
- (7) Schedule 1, page 6 (after line 1), after item 11, insert:

11A Subsection 15C(3)

After "wagering service", insert "or an excluded lottery service".

- (8) Schedule 1, item 13, page 6 (line 8), after "wagering service", insert "or an excluded lottery service".
- (9) Schedule 1, page 7 (after line 24), after item 22, insert:

22A Section 15D (heading)

Omit "\$30 million", substitute "\$10 million".

22B Subsection 15D(1)

Omit "\$30 million" (wherever occurring), substitute "\$10 million".

- (10) Schedule 1, Part 1, page 8 (after line 13), at the end of the Part, add:

29A Application of amendments

The amendments of section 15D of the *Interactive Gambling Act 2001* made by this Part apply in relation to conduct engaged in by a person on or after the commencement of this item and in a financial year, whether the financial year starts before, on or after that commencement.

Question negatived.

The ACTING DEPUTY PRESIDENT: I will now deal with the amendments circulated by Senator David Pocock. The question is that Senator Pocock's amendments (1) and (2) on sheet 2328 be agreed to.

Senator David Pocock's circulated amendments—

- (1) Schedule 1, item 2, page 4 (before line 12), before the definition of *digital currency* in section 4, insert:

buy now, pay later means a method of payment where payment is made, on behalf of the customer, by a third-party service that provides the customer with finance upfront and collects repayments from the customer in instalments.

(2) Schedule 1, item 15, page 6 (after line 24), after paragraph 15C(4A)(c), insert:

(ca) buy now, pay later;

Question negatived.

The PRESIDENT: I will now deal with the amendments circulated by the opposition. The question is that the amendments on sheet 2160 be agreed to.

Opposition's circulated amendments—

(1) Schedule 1, item 15, page 6 (line 24), omit "currency;", substitute "currency."

(2) Schedule 1, item 15, page 6 (lines 25 and 26), omit paragraph 15C(4A)(d).

The Senate divided. [19:36]

(The President—Senator Lines)

Ayes24
 Noes28
 Majority.....4

AYES

Antic, A.	Askew, W.	Babet, R.
Cash, M. C.	Chandler, C.	Colbeck, R. M.
Davey, P. M.	Hanson, P. L.	Henderson, S. M.
Hume, J.	Lambie, J.	Liddle, K. J.
McDonald, S. E.	McGrath, J.	McKenzie, B.
McLachlan, A. L.	Nampijinpa Price, J. S.	O'Sullivan, M. A. (Teller)
Rennick, G.	Reynolds, L. K.	Roberts, M. I.
Ruston, A.	Scarr, P. M.	Tyrrell, T. M.

NOES

Allman-Payne, P. J.	Ayres, T.	Bilyk, C. L.
Chisholm, A.	Farrell, D. E.	Gallagher, K. R.
Green, N. L.	Grogan, K.	Hanson-Young, S. C.
Lines, S.	McCarthy, M.	McKim, N. J.
O'Neill, D. M.	Payman, F.	Pocock, B.
Pocock, D. W.	Polley, H.	Pratt, L. C. (Teller)
Rice, J. E.	Sheldon, A. V.	Shoebridge, D.
Smith, M. F.	Sterle, G.	Stewart, J. N. A.
Urquhart, A. E.	Walsh, J. C.	Waters, L. J.
Whish-Wilson, P. S.		

Question negatived.

Third Reading

The PRESIDENT (19:37): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

Senate adjourned at 19:38