



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

WEDNESDAY, 9 FEBRUARY 2022

CORRECTIONS

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

BY AUTHORITY OF THE SENATE

PROOF

**FORTY-SIXTH PARLIAMENT
FIRST SESSION—NINTH PERIOD**

Governor-General

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

Senate Office Holders

President—Senator the Hon. Slade Brockman

Deputy President and Chair of Committees—Senator Susan Lines

Temporary Chairs of Committees—Senators Askew, Bilyk, Brown, Chandler, Faruqi, Fawcett, Fierravanti-Wells, Kitching, McGrath, McLachlan, O'Neill, O'Sullivan, Polley, Sterle and Walsh

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

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

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

Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally

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

Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam

Manager of Opposition Business in the Senate—Senator Katy Gallagher

Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips

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 the Hon. Matthew Canavan

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. Kristina Keneally

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

Deputy Leader of the Australian Greens in the Senate—Senator Nicholas McKim

Chief Government Whip—Senator Dean Anthony Smith

Deputy Government Whips—Senators Clare Chandler and James McGrath

The Nationals Whip—Senator Perin Davey

Chief Opposition Whip—Senator Anne Elizabeth Urquhart

Deputy Opposition Whip—Senator Raff Ciccone

Australian Greens Whip—Senator Nicholas McKim

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Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2022	LP
Antic, Alexander	SA	30.6.2025	LP
Askew, Wendy ⁽¹⁾	TAS	30.6.2022	LP
Ayres, Timothy	NSW	30.6.2025	ALP
Bilyk, Catryna Louise	TAS	30.6.2025	ALP
Birmingham, Hon. Simon John	SA	30.6.2022	LP
Bragg, Andrew James	NSW	30.6.2025	LP
Brockman, Slade	WA	30.6.2025	LP
Brown, Carol Louise	TAS	30.6.2025	ALP
Canavan, Hon. Matthew James	QLD	30.6.2022	NATS
Carr, Hon. Kim John	VIC	30.6.2022	ALP
Cash, Hon. Michaelia Clare	WA	30.6.2022	LP
Chandler, Claire	TAS	30.6.2025	LP
Chisholm, Anthony David	QLD	30.6.2022	ALP
Ciccione, Raffaele	VIC	30.6.2025	ALP
Colbeck, Hon. Richard Mansell	TAS	30.6.2025	LP
Cox, Dorinda Rose ⁽²⁾	WA	30.6.2022	AG
Davey, Perin McGregor	NSW	30.6.2025	NATS
Dodson, Patrick	WA	30.6.2025	ALP
Duniam, Hon. Jonathon Roy	TAS	30.6.2022	LP
Farrell, Donald Edward	SA	30.6.2022	ALP
Faruqi, Mehreen Saeed	NSW	30.6.2025	AG
Fawcett, David Julian	SA	30.6.2025	LP
Fierravanti-Wells, Hon. Concetta Anna	NSW	30.6.2022	LP
Gallagher, Katherine Ruth	ACT		ALP
Green, Nita Louise	QLD	30.6.2025	ALP
Griff, Stirling	SA	30.6.2022	CA
Grogan, Karen ⁽³⁾	SA	30.6.2025	ALP
Hanson, Pauline Lee	QLD	30.6.2022	PHON
Hanson-Young, Sarah Coral	SA	30.6.2025	AG
Henderson, Sarah Moya ⁽⁴⁾	VIC	30.6.2022	LP
Hughes, Hollie Alexandra	NSW	30.6.2025	LP
Hume, Hon. Jane	VIC	30.6.2025	LP
Keneally, Hon. Kristina Kerscher ⁽⁵⁾	NSW	30.6.2022	ALP
Kitching, Kimberley ⁽⁶⁾	VIC	30.6.2022	ALP
Lambie, Jacqui	TAS	30.6.2025	JLN
Lines, Susan	WA	30.6.2022	ALP
McAllister, Jennifer	NSW	30.6.2022	ALP
McCarthy, Malarndirri Barbara Anne	NT		ALP
McDonald, Susan Eileen	QLD	30.6.2025	NATS
McGrath, Hon. James	QLD	30.6.2022	LP
McKenzie, Hon. Bridget	VIC	30.6.2022	NATS
McKim, Nicholas James	TAS	30.6.2025	AG
McLachlan, Andrew Lockhart, CSC ⁽⁷⁾	SA	30.6.2022	LP
McMahon, Samantha Jane	NT		CLP
Mirabella, Greg ⁽⁸⁾	VIC	30.6.2022	LP
Molan, Andrew James ⁽⁹⁾	NSW	30.6.2022	LP
O'Neill, Deborah Mary	NSW	30.6.2022	ALP
O'Sullivan, Matthew Anthony	WA	30.6.2025	LP
Paterson, James	VIC	30.6.2025	LP
Patrick, Rex Lyall ⁽¹⁰⁾	SA	30.6.2022	IND

Senator	State or Territory	Term expires	Party
Payne, Hon. Marise Ann	NSW	30.6.2022	LP
Polley, Helen Beatrice	TAS	30.6.2022	ALP
Pratt, Louise Clare	WA	30.6.2025	ALP
Rennick, Gerard	QLD	30.6.2025	LP
Reynolds, Hon. Linda Karen, CSC	WA	30.6.2025	LP
Rice, Janet Elizabeth	VIC	30.6.2025	AG
Roberts, Malcolm Ieuan	QLD	30.6.2025	PHON
Ruston, Hon. Anne Sowerby	SA	30.6.2025	LP
Scarr, Paul Martin	QLD	30.6.2025	LP
Seselja, Hon. Zdenko Matthew	ACT		LP
Sheldon, Anthony Vincent	NSW	30.6.2025	ALP
Small, Benjamin John ⁽¹¹⁾	WA	30.6.2022	LP
Smith, Dean Anthony	WA	30.6.2022	LP
Smith, Marielle Feuerherdt	SA	30.6.2025	ALP
Steele-John, Jordon	WA	30.6.2025	AG
Sterle, Glenn	WA	30.6.2022	ALP
Stoker, Hon. Amanda Jane ⁽¹²⁾	QLD	30.6.2022	LP
Thorpe, Lidia Alma ⁽¹³⁾	VIC	30.6.2022	AG
Urquhart, Anne Elizabeth	TAS	30.6.2022	ALP
Van, David Allan	VIC	30.6.2025	ALP
Walsh, Jess Cecille	VIC	30.6.2025	ALP
Waters, Larissa Joy	QLD	30.6.2025	AG
Watt, Murray Patrick	QLD	30.6.2022	ALP
Whish-Wilson, Peter Stuart	TAS	30.6.2022	AG
Wong, Hon. Penelope Ying Yen	SA	30.6.2022	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	Seselja, Z.M.	LP
Northern Territory	McCarthy, M.B.A.	ALP	McMahon, S.J.	CLP

⁽¹⁾ Chosen by the Parliament of Tasmania to fill a casual vacancy (vice D Bushby), pursuant to section 15 of the Constitution.

⁽²⁾ Chosen by the Parliament of Western Australia to fill a casual vacancy (vice R Siewert), pursuant to section 15 of the Constitution.

⁽³⁾ Chosen by the Parliament of South Australia to fill a casual vacancy (vice A Gallacher), pursuant to section 15 of the Constitution.

⁽⁴⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Fifield), pursuant to section 15 of the Constitution.

⁽⁵⁾ Chosen by the Parliament of New South Wales to fill a casual vacancy (vice S Dastyari), pursuant to section 15 of the Constitution.

⁽⁶⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

⁽⁷⁾ Chosen by the Parliament of South Australia to fill a casual vacancy (vice C Bernardi), pursuant to section 15 of the Constitution.

⁽⁸⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Ryan), pursuant to section 15 of the Constitution.

⁽⁹⁾ Chosen by the Parliament of New South Wales to fill a casual vacancy (vice A Sinodinos), pursuant to section 15 of the Constitution.

⁽¹⁰⁾ Chosen by the Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.

⁽¹¹⁾ Chosen by the Parliament of Western Australia to fill a casual vacancy (vice M Cormann), pursuant to section 15 of the Constitution.

⁽¹²⁾ Chosen by the Parliament of Queensland to fill a casual vacancy (vice G Brandis), pursuant to section 15 of the Constitution.

⁽¹³⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice R Di Natale), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; 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

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

MORRISON MINISTRY

TITLE	MINISTER
Prime Minister	The Hon. Scott Morrison MP
Minister for Women	Senator the Hon. Marise Payne
Minister for Emergency Management and National Recovery and Resilience	Senator the Hon. Bridget McKenzie
Minister for Indigenous Australians	The Hon. Ken Wyatt AM MP
Minister Assisting the Prime Minister and Cabinet	The Hon. Ben Morton MP
Minister for the Public Service	The Hon. Ben Morton MP
<i>Assistant Minister to the Prime Minister for Mental Health and Suicide Prevention</i>	<i>The Hon. David Coleman MP</i>
<i>Assistant Minister for Women</i>	<i>Senator the Hon. Amanda Stoker</i>
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development	The Hon. Barnaby Joyce MP
Minister for Agriculture and Northern Australia	The Hon. David Littleproud MP
Minister for Communications, Urban Infrastructure, Cities and the Arts	The Hon. Paul Fletcher MP
Minister for Regionalisation, Regional Communications and Regional Education	Senator the Hon. Bridget McKenzie
<i>Assistant Minister for Road Safety and Freight Transport</i>	<i>The Hon. Scott Buchholz MP</i>
<i>Assistant Minister to the Deputy Prime Minister</i>	<i>The Hon. Kevin Hogan MP</i>
<i>Assistant Minister for Local Government</i>	<i>The Hon. Kevin Hogan MP</i>
<i>Assistant Minister for Regional Development and Territories</i>	<i>The Hon. Nola Marino MP</i>
Treasurer	The Hon. Josh Frydenberg MP
Assistant Treasurer	The Hon. Michael Sukkar MP
Minister for Housing	The Hon. Michael Sukkar MP
Minister for Superannuation, Financial Services and the Digital Economy	Senator the Hon. Jane Hume
Minister for Women's Economic Security	Senator the Hon. Jane Hume
Minister for Finance (Vice-President of the Executive Council) (Leader of the Government in the Senate)	Senator the Hon. Simon Birmingham
Special Minister of State	The Hon. Ben Morton MP

Minister for Agriculture and Northern Australia	The Hon. David Littleproud MP
Minister for the Environment	The Hon. Sussan Ley MP
Minister for Resources and Water	The Hon. Keith Pitt MP
<i>Assistant Minister for Waste Reduction and Environmental Management</i>	<i>The Hon. Trevor Evans MP</i>
<i>Assistant Minister for Forestry and Fisheries</i>	<i>Senator the Hon. Jonathon Duniam</i>
Minister for Foreign Affairs	Senator the Hon. Marise Payne
Minister for Trade, Tourism and Investment	The Hon. Dan Tehan MP
Minister for International Development and the Pacific	Senator the Hon. Zed Seselja
Minister Assisting the Minister for Trade and Investment	The Hon. Dr David Gillespie MP
<i>Assistant Minister for Regional Tourism</i>	<i>The Hon. Michelle Landry MP</i>
Minister for Defence (Leader of the House)	The Hon. Peter Dutton MP
Minister for Defence Industry	The Hon. Melissa Price MP
Minister for Veterans' Affairs	The Hon. Andrew Gee MP
Minister for Defence Personnel	The Hon. Andrew Gee MP
<i>Assistant Minister for Defence</i>	<i>The Hon. Andrew Hastie MP</i>
Attorney-General	Senator the Hon. Michaelia Cash
Minister for Industrial Relations (Deputy Leader of the Government in the Senate)	Senator the Hon. Michaelia Cash
<i>Assistant Minister to the Attorney-General</i>	<i>Senator the Hon. Amanda Stoker</i>
<i>Assistant Minister for Industrial Relations</i>	<i>Senator the Hon. Amanda Stoker</i>
Minister for Health and Aged Care	The Hon. Greg Hunt MP
Minister for Senior Australians and Aged Care Services	Senator the Hon. Richard Colbeck
Minister for Sport	Senator the Hon. Richard Colbeck
Minister for Regional Health (Deputy Leader of the House)	The Hon. Dr David Gillespie MP
Minister for Families and Social Services	Senator the Hon. Anne Ruston
Minister for Women's Safety (Manager of Government Business in the Senate)	Senator the Hon. Anne Ruston
Minister for Government Services	Senator the Hon. Linda Reynolds CSC
Minister for the National Disability Insurance Scheme	Senator the Hon. Linda Reynolds CSC
Minister for Homelessness, Social and Community Housing	The Hon. Michael Sukkar MP
<i>Assistant Minister for Children and Families</i>	<i>The Hon. Michelle Landry MP</i>

Minister for Home Affairs	The Hon. Karen Andrews MP
Minister for Emergency Management and National Recovery and Resilience	Senator the Hon. Bridget McKenzie
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	The Hon. Alex Hawke MP
<i>Assistant Minister for Customs, Community Safety and Multicultural Affairs</i>	<i>The Hon. Jason Wood MP</i>
Minister for Industry, Energy and Emissions Reduction	The Hon. Angus Taylor MP
Minister for Science and Technology	The Hon. Melissa Price MP
Minister for Resources and Water	The Hon. Keith Pitt MP
<i>Assistant Minister for Industry Development</i>	<i>Senator the Hon. Jonathon Duniam</i>
<i>Assistant Minister to the Minister for Industry, Energy and Emissions Reduction</i>	<i>The Hon. Tim Wilson MP</i>
Minister for Employment, Workforce, Skills, Small and Family Business	The Hon. Stuart Robert MP
Minister for Education and Youth	The Hon. Alan Tudge MP
Minister for Regionalisation, Regional Communications and Regional Education	Senator the Hon. Bridget McKenzie
<i>Assistant Minister for Youth and Employment Services</i>	<i>The Hon. Luke Howarth MP</i>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Ministers are sworn to administer the portfolio in which they are listed under the 'Minister' column and may also be sworn to administer other portfolios in which they are not listed. 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. Anthony Albanese MP
<i>Shadow Cabinet Secretary</i>	<i>Senator Jenny McAllister</i>
Deputy Leader of the Opposition	The Hon. Richard Marles MP
Shadow Minister for National Reconstruction, Employment, Skills and Small Business	The Hon. Richard Marles MP
Shadow Minister for Science	The Hon. Richard Marles MP
Shadow Minister Assisting for Small Business	Matt Keogh MP
<i>Shadow Assistant Minister for Employment and Skills</i>	<i>Senator Louise Pratt</i>
Leader of the Opposition in the Senate	Senator the Hon. Penny Wong
Shadow Minister for Foreign Affairs	Senator the Hon. Penny Wong
Shadow Minister for International Development and the Pacific	Pat Conroy MP
<i>Shadow Assistant Minister to the Leader of the Opposition in the Senate</i>	<i>Senator Jenny McAllister</i>
Deputy Leader of the Opposition in the Senate	Senator the Hon. Kristina Keneally
Shadow Minister for Home Affairs	Senator the Hon. Kristina Keneally
Shadow Minister for Immigration and Citizenship	Senator the Hon. Kristina Keneally
Shadow Minister for Government Accountability	Senator the Hon. Kristina Keneally
Shadow Minister for Multicultural Affairs	Andrew Giles MP
Shadow Minister Assisting for Immigration and Citizenship	Andrew Giles MP
Shadow Minister for Disaster and Emergency Management	Senator Murray Watt
Shadow Minister Assisting on Government Accountability	Pat Conroy MP
Shadow Minister for Industrial Relations	The Hon. Tony Burke MP
Shadow Minister for the Arts	The Hon. Tony Burke MP
Manager of Opposition Business in the House of Representatives	The Hon. Tony Burke MP
Shadow Special Minister of State	Senator the Hon. Don Farrell
Shadow Minister for Sport and Tourism	Senator the Hon. Don Farrell
Shadow Minister Assisting the Leader of the Opposition	Senator the Hon. Don Farrell

TITLE	SHADOW MINISTER
Shadow Treasurer	Dr Jim Chalmers MP
Shadow Assistant Treasurer	Stephen Jones MP
Shadow Minister for Financial Services and Superannuation	Stephen Jones MP
<i>Shadow Assistant Minister for Treasury</i>	<i>The Hon. Dr Andrew Leigh MP</i>
<i>Shadow Assistant Minister for Charities</i>	<i>The Hon. Dr Andrew Leigh MP</i>
<i>Shadow Assistant Minister for Financial Services and Superannuation</i>	<i>The Hon. Matt Thistlethwaite MP</i>
Shadow Minister for the National Disability Insurance Scheme	The Hon. Bill Shorten MP
Shadow Minister for Government Services	The Hon. Bill Shorten MP
<i>Shadow Assistant Minister for Carers</i>	<i>Emma McBride MP</i>
<i>Shadow Assistant Minister for Government Services and the NDIS</i>	<i>Senator Kimberley Kitching</i>
<i>Deputy Manager of Opposition Business in the Senate</i>	<i>Senator Kimberley Kitching</i>
Shadow Minister for Education	The Hon. Tanya Plibersek MP
Shadow Minister for Women	The Hon. Tanya Plibersek MP
<i>Shadow Assistant Minister for Education</i>	<i>Graham Perrett MP</i>
Shadow Minister for Health and Ageing	The Hon. Mark Butler MP
Deputy Manager of Opposition Business in the House of Representatives	The Mark Butler MP
Shadow Minister for Senior Australians and Aged Care Services	Clare O'Neil MP
<i>Shadow Assistant Minister for Health and Ageing</i>	<i>Ged Kearney MP</i>
<i>Shadow Assistant Minister for Mental Health</i>	<i>Emma McBride MP</i>
Shadow Minister for Climate Change and Energy	The Hon. Chris Bowen MP
Shadow Minister Assisting for Climate Change	Pat Conroy MP
Shadow Minister for Infrastructure, Transport and Regional Development	The Hon. Catherine King MP
Shadow Minister for Cities and Urban Infrastructure	Andrew Giles MP
Shadow Minister for Northern Australia	Senator Murray Watt
<i>Shadow Assistant Minister for Infrastructure and Regional Tourism</i>	<i>Senator Carol Brown</i>
<i>Shadow Assistant Minister for Tasmania</i>	<i>Senator Carol Brown</i>
<i>Shadow Assistant Minister for Northern Australia</i>	<i>The Warren Snowdon MP</i>
<i>Shadow Assistant Minister for Western Australia</i>	<i>Patrick Gorman MP</i>
<i>Shadow Assistant Minister for Road Safety</i>	<i>Senator Glenn Sterle</i>

TITLE	SHADOW MINISTER
Shadow Minister for Defence	The Hon. Brendan O'Connor MP
Shadow Minister for Veterans' Affairs and Defence Personnel	The Hon. Shayne Neumann MP
Shadow Minister Assisting for Defence	Pat Conroy MP
Shadow Minister for Defence Industry	Matt Keogh MP
<i>Shadow Assistant Minister for Defence</i>	<i>Meryl Swanson MP</i>
Shadow Attorney-General	The Hon. Mark Dreyfus QC MP
Shadow Minister for Constitutional Reform	The Hon. Mark Dreyfus QC MP
<i>Shadow Assistant Minister for the Republic</i>	<i>The Hon. Matt Thistlethwaite MP</i>
Shadow Minister for Communications	Michelle Rowland MP
<i>Shadow Assistant Minister for Communications and Cyber Security</i>	<i>Tim Watts MP</i>
Shadow Minister for Finance	Senator Katy Gallagher
Shadow Minister for the Public Service	Senator Katy Gallagher
Manager of Opposition Business in the Senate	Senator Katy Gallagher
Shadow Minister for Families and Social Services	The Hon. Linda Burney MP
Shadow Minister for Indigenous Australians	The Linda Burney MP
<i>Shadow Assistant Minister for Reconciliation</i>	<i>Senator Patrick Dodson</i>
<i>Shadow Assistant Minister for Constitutional Recognition of Indigenous Australians</i>	<i>Senator Patrick Dodson</i>
<i>Shadow Assistant Minister for Indigenous Australian</i>	<i>The Hon. Warren Snowdon MP</i>
<i>Shadow Assistant Minister for Communities and the Prevention of Family Violence</i>	<i>Senator Jenny McAllister</i>
Shadow Minister for Agriculture	The Hon. Julie Collins MP
Shadow Minister for Regional Services, Territories and Local Government	The Hon. Jason Clare MP
Shadow Minister for Housing and Homelessness	The Jason Clare MP
<i>Shadow Assistant Minister for External Territories</i>	<i>The Hon. Warren Snowdon MP</i>
Shadow Minister for Early Childhood Education	The Hon. Amanda Rishworth MP
Shadow Minister for Youth	The Hon. Amanda Rishworth MP
Shadow Minister for the Environment and Water	Terri Butler MP
<i>Shadow Assistant Minister for the Environment</i>	<i>Josh Wilson MP</i>
Shadow Minister for Trade	Madeleine King MP
Shadow Minister for Resources	Madeleine King MP
Shadow Minister for Queensland Resources	Senator Murray Watt
Shadow Minister for Industry and Innovation	The Hon. Ed Husic MP
<i>Shadow Assistant Minister for Manufacturing</i>	<i>Senator Louise Pratt</i>

Each box represents a portfolio. **Shadow Cabinet Ministers are shown in bold type.**

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Wednesday, 9 February 2022

The PRESIDENT (Senator the Hon. Slade Brockman) took the chair at 09:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

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

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

COMMITTEES

Meeting

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

Environment and Communications Legislation Committee—private meetings otherwise than in accordance with standing order 33(1)—

today, from 10.30 am.

Thursday, 10 February and Wednesday, 30 March 2022, from 1.15 pm.

Environment and Communications References Committee—private meetings otherwise than in accordance with standing order 33(1), from 1.15 pm, on Thursday, 10 February and Wednesday, 30 March 2022.

Foreign Affairs, Defence and Trade—Joint Standing Committee—

private briefing on Tuesday, 8 February 2022, from 5.30 pm.

private meeting otherwise than in accordance with standing order 33(1) today, from 12.30 pm and from 4.30 pm.

private meeting otherwise than in accordance with standing order 33(1) on Thursday, 10 February 2022, from 9.45 am.

private briefing on Thursday, 10 February 2022, from 11 am.

Job Security—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 10.30 am.

National Capital and External Territories—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 10 February 2022, from 10.30 am.

The PRESIDENT (09:31): I remind senators that the question may be put on any proposal at the request of any senator.

BUSINESS

Rearrangement

Senator RUSTON (South Australia—Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in the Senate) (09:31): by leave—I move:

That consideration of the business before the Senate on Wednesday, 9 February 2022 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Mirabella to make his first speech without any question before the chair.

Question agreed to.

Consideration of Legislation

Senator PATRICK (South Australia) (09:32): I seek leave to move a motion relating to the consideration of the Australian Federal Integrity Commission Bill 2020, as circulated.

Leave not granted.

Senator PATRICK: Pursuant to contingent notice of motion standing in my name, I move:

That so much of the standing orders be suspended as would prevent me from moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the consideration of the Australian Federal Integrity Commission Bill 2020.

I will quickly address a concern that Senator Ruston will no doubt raise in her response to my short contribution here. She will say this is a stunt, brought on to waste government business time, but it's not.

One of the roles of the Senate is to make sure that we oversee the government, to make sure that the government does its work properly and to make sure that the government meets the commitments it has made to the Australian public. I draw the Senate's attention back to 13 December 2018, when the Prime Minister promised the Australian public that, were he to be given the opportunity to govern again, he would introduce a federal integrity commission bill. I don't know whether that was a 'core' promise; I don't know whether it was a promise. I don't know whether it

was a commitment or an undertaking. I don't know which one of those it was or how the Prime Minister may consider each of those sorts of commitments. But I know that the Australian public would expect that, prima facie, if the Prime Minister says that then the Prime Minister will do that. But he hasn't. Either he was lying to the public or he has simply misled them. It's not like we're at the start of the 46th Parliament; we're at the end. There was a commitment by the Prime Minister to deal with a federal integrity commission, and it has not been met. That's why this is urgent and that's why this must be dealt with today, otherwise we'll have run out of time.

We don't have a bill that the government has brought to the chamber, so there's a bill that I've tabled which has been worked up by eminent experts in this area, former judicial officers included—and thanks to the member for Indi, Helen Haines—and we need to deal with it.

We need to deal with this urgently. We have a situation where a government went into the last election, knowing full well that there's no federal integrity commission, engaging in car park roting. I say that with the backing of the Auditor-General. We find that in the Treasurer's own seat four car parks were allocated. One of those car parks came in at a cost of \$220,000 per car park.

Let me explain how this principle works. We are supposed to take taxpayers' money and spend it on the basis of need and on the basis of merit. That's what we're supposed to do. Yet, against the rules, against the objectives of the grant program, the Treasurer announced grants to his own electorate. If you are a public official and you subvert process and give money for the purposes of personal benefit—that being getting re-elected—that is corruption, and we have to be able to deal with that. We've seen sports rorts, where people or communities were given a grant not on the basis of merit but on the basis of a colour coded spreadsheet. That is wrong. We've seen water purchases that well exceed market values. We find that, in one instance, the department seemed not able to understand a valuation properly.

We've got blind trust, where ministers are getting paid a million dollars from unknown contributors and the government is not standing tall and saying, 'That's wrong.' There are so many issues that we need to have addressed, in relation to corruption, so that people can regain confidence in this place and in the other place. That's why we need to urgently deal with this bill. I ask that senators support my motion to suspend.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (09:37): The government does not support Senator Patrick's motion to suspend. The government does not support it—on the basis that we have a well-developed draft legislation established, published, in relation to the Commonwealth Integrity Commission.

There are many misconceptions peddled by some in relation to these debates and they're peddled in the context of, seemingly, wanting to create an impression that there is no anticorruption framework in Australia, which is patently untrue. We have existing frameworks that tackle corruption, clearly, already. Under the frameworks, multiple agencies across the Commonwealth government have responsibilities for preventing, detecting and responding to corruption.

These agencies, such as the Australian Commission for Law Enforcement Integrity, bring specialist skills to address corruption across law enforcement agencies. The Australian Federal Police have the power, and work across partner agencies right across the Commonwealth, to leverage their expertise and capabilities, information and data collection capabilities, to respond to serious and complex corruption offences, including any allegations of fraud or bribery or the like, under existing corruption laws. The Commonwealth Ombudsman considers and investigates complaints where people believe they've been treated unfairly by an Australian government department. Even in relation to matters such as our own expenses, we have the Independent Parliamentary Expenses Authority that advises and reports on expenses of parliamentarians and their staff. This is set within laws, clearly enabled and established, that deal with corrupt conduct and all of the other elements of scrutiny applied within this parliament and a free media across our democracy. But we have seen benefit in acknowledging that having greater consolidation, greater coordination, across those different entities and efforts for handling corruption matters would be a positive.

That's why we've gone through an extensive process in relation to developing the legislation around the Commonwealth Integrity Commission. The integrity commission that we propose, backed by several hundred pages of legislation, detailed modelling, will investigate the most serious forms of criminal corruption that threaten good public administration; however, it won't duplicate the roles of existing bodies that already investigate corruption.

The arrangement we're proposing reflects the different nature of the corruption risks that exist across law enforcement bodies as opposed to those that exist in the public sector. When we talk about the public sector, we mean of course across the public sector from office holders at ministerial level right through the Public Service and public sector. Where the public sector division of our proposed Commonwealth Integrity Commission found evidence of a criminal offence, it would refer a matter, rightly, to the Commonwealth Director of Public

Prosecutions, ensuring that the courts remain the relevant arbiter of whether someone is innocent or guilty of a corrupt offence.

We have put in place funding arrangements for the Commonwealth Integrity Commission: the 2019-20 budget committed more than \$106 million of support for that in addition to more than \$40 million for the Australian Commission for Law Enforcement Integrity. The substantial investment that we've made is in stark contrast to the very low levels of budgeting and support that had been provided under previous governments for anti-corruption and related activities and enforcement.

We've already implemented phase one of our Commonwealth Integrity Commission by expanding the jurisdiction of the Australian Commission for Law Enforcement Integrity to cover additional agencies: the ATO, ASIC, APRA and the ACCC. The work is there; the legislation has been developed. What we're very clear about is that we're not interested in establishing Star Chamber type processes. We're not interested in establishing processes that are simply there as political playthings. So, the invitation stands to the crossbench, the Greens, the Labor Party: make clear your support for the model the government has developed for an integrity commission. That will clearly bring together the elements of being able to further strengthen and uphold Australia's anti-corruption framework and we will see that legislation passed. We're not interested in entertaining a model that simply creates opportunities for more political grandstanding that becomes a kangaroo court or a show trial model. This has got to be done in the proper way that our government has proposed.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (09:42): Labor will be supporting the suspension of standing orders this morning, and we certainly support the motion being moved by Senator Patrick, should the suspension get up. We have been calling for an anti-corruption commission for some time. The government promised a national anti-corruption commission 1,154 days ago. Then today we hear from the Leader of the Government in the Senate all the reasons we're not in a position to debate a government bill.

The reality is: over 1,154 days ago this was a promise, a promise by the Prime Minister. It was a promise by a Prime Minister under pressure because of the scandals, the failings and the lack of integrity in his government and the lack of trust and public trust in his government. He had to politically manage a situation at the time, so he promised an anti-corruption commission, he promised he would bring in legislation and then the government spent three years ensuring that they don't deliver on that promise. This has been a conscious decision by the government, because a government without integrity doesn't want an integrity commission. That is a fundamental problem for a government without integrity, for a government with ministerial scandal after ministerial scandal, where, after you do a bit of time on the backbench, on the bleachers, you get forgiven and brought back in. All of the sins that were committed and the standards of ministerial accountability that used to exist in every other government of both political colours, which have been kicked to the curb, have been rewritten under this government.

You can be rehabilitated. Everyone's guaranteed a spot in the cabinet room, regardless of what offence they commit. That's the standard this government has set. So why on Earth would they want to bring in an integrity commission, when they fundamentally have a massive problem with integrity? They don't want scrutiny.

And when they did work out their draft bill, it was a model that had no teeth, that set a lower standard for ministers and politicians—what a surprise!—and was universally rejected by every organisation and every expert who understands anything about anticorruption commissions. That was a big achievement! And I think it was a conscious decision by the government. They wanted to ensure that they had a work plan for the past 1,154 days that ultimately didn't deliver an anticorruption commission in this country, and they have systematically and comprehensively gone about their business making sure that never happens—and they've achieved it. I think in every sitting week for the past year or so, when someone in this place has brought forward a motion and had the numbers on a bill that had passed in this place for debate on another bill, the government has opposed it and then tried to point the finger at everybody else, who were actually arguing for a stronger anticorruption commission.

Let's make no mistake about why this government's in this position. We have had scandal after scandal, with ministers like Minister Taylor—remember the forged documents? Remember that old chestnut? Remember 'grassgate'? That was also in his portfolio. And we had 'watergate'. We've seen all these rorts and the funds that have been established, where the government doesn't even pretend that they're trying to do the right thing—billions of dollars hidden in the budget to splash out on seats they either need to hold or want to win. We know that in the last midyear update \$16 billion of our money was hidden in the budget for more election gift-giving to certain seats. We've got a Treasurer in this country who appropriated money for all of us through the budget and then went and awarded himself, his own seat, four car parks; I don't think any of them have been built. That is the standard, by which the Treasurer, the Prime Minister—senior ministers—conduct themselves, without integrity, doing everything they can to resist the bringing on of debate for an anticorruption commission. The Senate should stand up and support the suspension of standing orders and the motion Senator Patrick has brought in today.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (09:47): The Greens will of course support this suspension of standing orders. We've been trying to get a corruption watchdog federally for 13 years now. We don't care whose name is on the bill; we just want this done. It's no surprise that this government once again wants to shut down debate on setting up an effective corruption watchdog, because half of their cabinet have been implicated in integrity scandals—half! It has been 1,154 days since the Prime Minister made a promise that he would introduce an integrity commission. It was long overdue even then, but it was a welcome commitment.

Since that time we've seen a draft outline that was rubbished by every expert who reviewed it. Nearly 18 months after that there was a much-maligned draft bill that failed to address any of the earlier criticisms by experts. There was some more obfuscation in there. We then had multiple estimates hearings where we were told that more consultation was happening and amendments were being drafted. But then the Prime Minister said there'd be no changes from the earlier draft and that if Labor and the crossbench wanted an integrity commission then we'd just have to take the pathetic version on offer—and then nothing happened. Then, this week, the Attorney-General said an integrity commission was not a priority before the election—they're so busy discriminating against gay kids that they just can't get on with their actual job. Then the Prime Minister said, 'Oh no, we'll see.' But he continues to prioritise legislation that promotes bigotry in our community. So, one really has to wonder: can you trust a single word this Prime Minister and this government says? I think we all know the answer to that question.

There are few things that the Australian community is more unified on than the need for a strong corruption watchdog.

Nearly 90 per cent of Australians want this, and it's an absolute disgrace that this government is using every trick in the book to try and delay doing it. Public confidence in the integrity of Australian politicians is plummeting, and rightly so. The latest Transparency International corruption perceptions index gives Australia its lowest ever ranking. Lack of progress on the Integrity Commission was a key factor in that lowest ever score. We need a strong, independent and powerful corruption watchdog with powers to root out the corruption that runs rife in this place and continues to undermine our democracy.

We have been pushing for this for 13 years, and two years ago this Senate passed the Greens bill for a strong independent corruption watchdog with teeth. Now, that was two years ago, and the government's refused to bring that on for a vote in the House. It's running scared of integrity. We support Senator Patrick's bill, which is a replica of Dr Haines's bill in the other place. We don't care whose name is on the bill; we just want it done.

Without a federal ICAC, Australians have to rely on a patchwork of other bodies to try and find out about the dodgy dealings of this government. We've got the ANAO, Senate inquiries, OPDs, FOI challenges, state and territory corruption bodies, AEC disclosures and investigative journalism. Even with that schema, which the government contends is adequate—it's clearly not—we've revealed a litany of scandals. The list is long and unedifying: sports rorts, 'pork and ride', the Urban Congestion Fund, the Leppington Triangle, 'watergate' and 'grassgate'. There are millions of dollars being handed to polluting gas companies headed up by Liberal donors. Last week's AEC disclosures revealed that Empire Energy made some sizeable donations before they got a government grant of public money to frack the Beetaloo basin, against the wishes of First Nations communities. Every single one of the grant programs that the ANAO has audited since 2009, to the tune of \$10 billion—every single one of them—was found to be flawed, with problems identified ranging from minor improvements to serious maladministration.

This patchwork of integrity measures is clearly not enough, because corruption is rife. It's allowing far too many things to slip through the cracks, and the Australian public can't understand the full scale of corruption, fraud and dishonesty without a strong, independent corruption watchdog. Nor can we deter such behaviour without a strong watchdog.

As Australians head back to the polls—and that can't come soon enough—voters need to have confidence that a new government will be overseen by a corruption watchdog with broad powers. They need to have confidence that there will be consequences when corrupt conduct is identified and that there won't be a protection racket for politicians, which is the short version of what this government is proposing. We support bringing this bill on and giving Australians what they need to start rebuilding that confidence in our democracy and that confidence that the people they elect will work in the public interest. But it's no surprise that a government without integrity doesn't want to bring on a bill to set up an integrity commission.

Senator ROBERTS (Queensland) (09:52): One Nation has always supported an integrity commission being established for the federal parliament—once we realised the parliament could not look after itself. We do, though, oppose Senator Patrick's motion to suspend standing orders, and I'll explain why.

Corruption of federal taxpayer money to the tune of billions of dollars was a subject that we moved a motion to have a Senate inquiry into. The Liberal Party opposed it, after initially supporting it. The Labor Party opposed it. The Greens opposed it. Senator Patrick opposed it. That was billions of dollars at stake.

Secondly—water trading. It's a breach of the Water Act, and the Liberals and Nationals have allowed it to continue. We moved a motion in this parliament to get it fixed. It went to the lower house, where the Labor Party opposed it, the Liberal Party opposed it and the National Party opposed it—billions of dollars, again, there, and unfairness destroying regional communities.

We also have a list of 28 people, which is supposed to be a watch list or a list with regard to paedophilia. I contacted the person who raised that in an earlier parliament. A barrister, on my behalf, read that list. That list has no complainant—no identification as to who put forward that list. It also has no formal complaint and no evidence. But, in the process of that, the barrister I used found extensive need for cleaning up parliament, with regard to supporting paedophiles and other criminals. We need to extend it properly, from parliamentarians to judges, to police and to bureaucrats. We need to do a good job. The government's bill for an integrity commission is hopeless. It is not sincere, in my view.

Helen Haines's bill, the Australian Federal Integrity Commission Bill 2021, which is what Senator Patrick is supporting, has much to commend it. We support it in principle. However, it leaves a lot to be desired in terms of some details, because it leaves people vulnerable and open to being besmirched—as we've seen happen in New South Wales—without evidence. That we cannot support. Such a bill must be debated extensively and not rushed through parliament. We cannot do that in a morning.

Senator Patrick himself said that we are now at the end of the 46th Parliament—exactly. Let the people judge in an election within the next three months. Let the people judge, because the Liberal-National coalition has not delivered on its promise. The Prime Minister has told furrphies about vaccine mandates not existing in this country. Tell that to the 25 million people in this country. That is a lie. Yet we now have the breaching of his promise. The people can judge him in three months. Each party should have a policy on this, and let the people judge each party on it. It seems to me that we need to assess people by their actions, their deeds, not by their words.

I think this is a stunt—trying to get media attention before a flagging election campaign. Regardless of my opinion, one thing is for sure: this parliament serves the major parties and their donors and vested interests, some of whom are outside this country. We need to end that. We need to regain the people's confidence in the parliament. We need to do that by making sure that the parliament returns to serving the people. We need the parliament to serve the people. That's its job. We need to change the parliament, and to do that we need to change the way Australians vote. We, as voters, as Australians, need to change the way we vote. Put the majors last; remember that in the coming election. Put the majors last.

Senator HENDERSON (Victoria) (09:57): This motion to suspend standing orders should be absolutely rejected. One Nation is right about one thing: this is a stunt. We saw one yesterday and we're going to see rolling stunts in this parliament, rather than allowing the parliament to get on with the business of governing in the interests of the Australian people.

I'm going to start my contribution by reminding those opposite of the dangers of implementing the model that they are advocating for. Amanda Stapledon committed suicide, tragically, after facing allegations by IBAC in Victoria. This has been reported in the *Australian*:

A parliamentary committee has called urgent talks to consider complaints about the conduct of Victorian anti-corruption agencies after the suicide of a former mayor.

Parliament's integrity and oversight committee has ordered a special meeting on Wednesday to discuss complaints from witnesses involved in the marathon investigation into allegedly corrupt land deals involving Casey councillors and a property developer.

In formal complaints to the committee, several witnesses have accused the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate — the body charged with monitoring IBAC — of having blood on their hands over the death of Amanda Stapledon.

This is because of the fact that the model in Victoria, like in New South Wales, is akin to a star chamber. There is not adequate natural justice. The model we put forward provides proper justice. Shame on those opposite for not recognising that natural justice in an integrity commission is important.

These are the consequences of the star chamber that we see in Victoria. This woman had a disabled son, who's now been left on his own. You think about the consequences of—

Senator Patrick interjecting—

The PRESIDENT: Order!

Senator HENDERSON: You think about the consequences of putting someone into a star chamber under the most extraordinary pressure, arguably false allegations—driving this woman to the brink. Shame on you. So what we have put forward, which is not supported by Labor, not supported by you, Senator Patrick, not supported by the Greens or the crossbench, is a model which provides natural justice. It will hold the entire public sector, including parliamentarians and their officers, to account. The Commonwealth Integrity Commission is to investigate corruption; it is not some tool used to air vexatious and politically motivated claims.

I just consider what I have gone through in the last few months from the likes of Fairfax and *The New Daily*. I have been accused of corruption because I delivered an election commitment to support the Torquay Bowls Club. Honestly, this is out of control. Politics in this country, courtesy of the crossbench and Greens and Labor, have become so toxic that you can't even deliver a community supported grant without being accused of corruption. It is no wonder that this government is taking this issue responsibly, and I say, as a tribute to Amanda Stapleton and all those other victims of anticorruption commissions who have been subjected to false allegations, whose lives have been destroyed, we are not going to follow that model. We are not going to have blood on our hands. We are not going to embrace your model.

The PRESIDENT: Senator Gallagher on a point of order.

Senator Gallagher: The senator should be making a contribution through the chair and not directly at other senators.

The PRESIDENT: Senator Henderson, I'm sorry but this is actually a time-limited debate.

Senator HENDERSON: I still have 58 seconds left.

The PRESIDENT: No, the time of the debate is limited to half an hour, and sometimes a speaker is still on their feet when half an hour ends, so I'm afraid we are actually at the end of the debate.

The question is on the motion to suspend standing orders.

The Senate divided. [10:06]

(The President—Senator Brockman)

Ayes.....29
Noes.....29
Majority.....0

AYES

Ayres, T.	Carr, K. J.	Chisholm, A.
Cicccone, R.	Cox, D.	Dodson, P.
Farrell, D. E.	Faruqi, M.	Gallagher, K. R.
Griff, S.	Grogan, K.	Hanson-Young, S. C.
Lambie, J.	Lines, S.	McAllister, J. R.
McCarthy, M.	McKim, N. J.	O'Neill, D. M.
Patrick, R. L.	Pratt, L. C.	Rice, J. E.
Sheldon, A. V.	Smith, M. F.	Steele-John, J. A.
Thorpe, L. A.	Urquhart, A. E. (Teller)	Walsh, J. C.
Waters, L. J.	Whish-Wilson, P. S.	

NOES

Abetz, E.	Bragg, A. J.	Brockman, W. E.
Canavan, M. J.	Cash, M. C.	Chandler, C.
Colbeck, R. M.	Davey, P. M.	Duniam, J. R.
Fawcett, D. J.	Fierravanti-Wells, C. A.	Henderson, S. M.
Hughes, H. A.	Hume, J.	McDonald, S. E.
McGrath, J. (Teller)	McKenzie, B.	McLachlan, A. L.
McMahon, S. J.	Mirabella, G.	Molan, A. J.
O'Sullivan, M. A.	Paterson, J. W.	Roberts, M. I.
Ruston, A.	Seselja, Z. M.	Smith, D. A.
Stoker, A. J.	Van, D. A.	

PAIRS

Bilyk, C. L.
Brown, C. L.
Green, N. L.
Keneally, K. K.
Kitching, K. J. E.
Polley, H.
Sterle, G.
Watt, M. P.
Wong, P.

Payne, M. A.
Rennick, G.
Askew, W.
Birmingham, S. J.
Antic, A.
Small, B. J.
Scarr, P. M.
Hanson, P. L.
Reynolds, L. K.

Question negatived.

BILLS

Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021**Second Reading**

Consideration resumed of the motion:

That this bill be now read a second time.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (10:09): I'll start where I left off last night by acknowledging that the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 does raise concerns for some senators and, on votes of conscience, when the colours of party are stripped away, we stand here as individuals and we bring our own perspective and our own life experience to the chamber. I come to this vote as someone who has spent years working in the disability sector, I come to this vote as someone who has spent eight years as a minister for health and I come to this vote as someone who has experienced the death of loved ones and the deep grief that follows. But mostly I come to this vote as a mum of three amazing children, and I have read the stories from parents about their experiences of dealing with and supporting and loving a child with mitochondrial disorder.

I do support this bill and I really hope that it passes the Senate this week. I acknowledge the minister for health for his pursuit of these reforms and my colleagues the former shadow minister for health Chris Bowen and current shadow minister for health and ageing, Mark Butler, for working together on this bill and working across the chamber to draft a bill that has the greatest opportunity of passing the parliament. Much gets achieved quietly across the chambers in this place and, when that happens, good things are often achieved. This bill is an example of that, and there should be more of it.

It has taken years to get to this point, but it's now time to pass Maeve's Law and give parents the chance to have a family without the stress and distress of passing on a life-threatening condition. If the bill passes, it will prevent the birth of children who would otherwise be severely challenged with disabilities and illness and whose parents and families would find themselves in the often heartbreaking situation of loving and caring for a child with significant health challenges.

I think anyone who's raised a child knows the joys that it brings to one's life and anyone who has longed for a child and been unable to have one knows the pain that that can bring. From my point of view, this bill isn't complex. It gives some Australian families the opportunity to experience the joy of having children without the worry of passing on mitochondrial disease. The bill uses improvements in health technology, science, health policy and ethics to map out a small but significant way of improving the lives of our fellow citizens. This is why I will be supporting this bill. I see it as my job as a legislator to use this position of power and influence to help make a better, more caring world. This bill helps to do that.

Thank you to everyone who has worked to get the bill to this point. I really hope we can pass the bill this week and give you all the certainty you've been seeking for years when Maeve's Law becomes the law.

Senator CHANDLER (Tasmania—Deputy Government Whip in the Senate) (10:13): I rise today to provide some remarks on the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021, known as Maeve's Law. In doing so, I would first and foremost like to extend my gratitude to my colleagues from all sides of this chamber and in the other place for approaching this debate in such a respectful manner. This is a complex piece of legislation which attempts to tackle a complex issue, and I recognise that there are a broad range of views, which have been raised throughout this debate. Our ability to do so in this place in such a considerate and measured way is a testament to this parliament.

This bill amends a number of existing pieces of legislation to allow for the introduction of mitochondrial donation in Australia for the purposes of research and, eventually, human reproduction under a national regulatory framework. The ultimate aim of this is to develop the technology to prevent the passing on of mitochondrial disease to future generations.

Mitochondrial disease, or mito as it's colloquially known, occurs due to mutations of mitochondrial DNA or nuclear DNA which impact the function of mitochondria, the part of every human cell that contains DNA. It manifests in a variety of symptoms, which can become apparent very early on in a child's life, including seizures, developmental delays, fatigue and muscle pain, vision and hearing issues, potential organ failure and, sometimes, death.

There are currently no known cures. I've met with sufferers of mito, and there is no denying the significant pain and despair that they must endure because of this horrible disease. You can see it on their faces, in the visible pain they're experiencing just by doing the things that other people take for granted—going for a walk, drinking a cup of coffee, sometimes even just sitting upright in a chair. Mitochondrial disease is hereditary, and in the vast majority of cases this occurs through the mother. While it can vary depending on the genetic make-up of both parents, generally speaking, by my measure there's a 25 to 50 per cent chance that faulty mitochondrial DNA will be passed on to a child. If both parents have the gene that chance is effectively 100 per cent.

This bill enables a framework to research and, potentially, implement the use of mitochondrial donation so that a family with a genetic predisposition to the disease may have a healthy child. This practice was legalised in the United Kingdom in 2015 and involves the transfer of genetic material extracted from a mother's egg and the placing of that material into a donor egg which has its own genetic material removed but retains its own intact mitochondria. Under the framework proposed in this bill, the initial egg can be fertilised before or after the mitochondrial donation has occurred.

I'm not going to stand here today and assert that it was easy to decide whether to support this bill, because it wasn't. The concept of mitochondrial donation engages a number of different ethical questions, not least because we are attempting to regulate here something that is an incredibly new and not especially well-tested technology, and I note that many of those questions have been traversed and pondered by my colleagues in their contributions. But the key question for me personally is: do those questions and concerns outweigh the possibility of protecting future generations of children from inheriting this insidious disease? To be very clear, I worry about what might come next, and we in this place should never pretend that our actions in legislating today have no bearing on what might happen in a year or in five, 10 or 50 years time, because, of course, they do. I also worry about the untested nature of some of these technologies and what other health concerns might result from this fusion of DNA, because we have very limited data from the United Kingdom—where mitochondrial donation has been legal—as to what the long-term health prospects of such children might be. I was particularly worried about this bill allowing parents the ability to only implant male embryos. I sincerely congratulate my colleagues in the other place on amending this bill to remove the option for sex selection.

These are all genuinely held concerns and, judging by the correspondence I've received from many Australians about this legislation, I know that these concerns are held not just by me. But then I think about the concerns of those Australians who are suffering from mitochondrial disease, and particularly those sufferers who wish to have a child free of the debilitating ailments that they themselves have had to endure. I'm not a mother myself, but, obviously, I know plenty of women who are. I also know plenty of women who have struggled through infertility and miscarriage and the inevitable heartbreak that comes from not being able to have a child. And, as a woman, I don't think I can come into this place and deny other women—those who may be carriers of mitochondrial disease—the possibility of having a healthy child. And that's what this legislation provides.

I'm glad to see the further amendments made to this legislation in the other place, which have increased reporting requirements and safeguarding to the regulatory scheme for this research, and I will certainly be considering on their merits any further amendments which may be moved by honourable senators to that same extent. But, regardless of the success of any further amendments, I will be supporting this bill. And I hope that in future years we can confidently say that no Australian child will be born with the tragic burden of suffering from this awful disease.

(Quorum formed)

Senator LINES (Western Australia—Deputy President and Chair of Committees) (10:20): I must say I've listened with great interest to all of the debate that's occurred so far on this bill in the chamber and it reminds me very much of the debates we had in Western Australia when the state parliament moved the voluntary euthanasia bill, because it does actually for many people go to an issue of conscience. But, like many debates, what becomes a key feature of the debate seems to miss the whole intention. Certainly that occurred with the voluntary euthanasia

bill. Despite that bill in Western Australia having the overwhelming support of Western Australians—I think something like 80 per cent of Western Australians supported the right of people with a severe terminal illness to decide the timing of their death—it was held up by, in the end, a handful of people. I'm not criticising them in any way; their views were passionately held. But it did get down to an issue of peoples' personal morality and what they thought was okay. The problem with that is that it's then balanced against these horrendous stories.

I have to say I started out feeling pretty agnostic about voluntary euthanasia. I didn't really have an opinion. I would have to say I was probably slightly uncomfortable with the concept, but it was when I started to read the stories and to meet the people whose relatives and friends had passed away in horrendous circumstances, in deaths none of us would want to imagine for anyone, that I started to see that actually this was bigger than someone's personal morality. This was giving people who wanted to do so the right to end their own life. Through that process, I met the most amazing young woman: Belinda Teh.

You might remember, if you followed the Western Australian debates, that Belinda's mother died of breast cancer very tragically and in a very painful way. Despite having the best of palliative care available to her, she had a very tragic death. Belinda was so motivated, moved and devastated by the loss of her mother at such a young age that she decided to raise awareness by walking from Melbourne to Perth. During that journey, Belinda herself became politicised. She was one of the key leaders of the community debate in Western Australia for voluntary euthanasia. I'm really proud to say that she worked as part of my team for several months. She's an extraordinary woman. But that experience that touched her mother changed Belinda's life. It's forever changed because of what she saw her mother suffer.

When I think about the mitochondrial debate, I look to the stories about those suffering from mitochondrial disease and those stories are equally horrendous. Most people who contract that disease inherit it genetically. It's a death sentence, and it's not an easy death sentence. The pain, suffering and trauma experienced by those who have the disease is horrendous and, seemingly, we don't have the treatments or the care to enable that suffering to be eased in any way.

I was very moved to read of a young Western Australian woman, Pippa. Her story is on the Mito Foundation's website. I was so moved by her story and her bravery that we contacted her family. Sadly, Pippa passed away almost two years ago—the second anniversary of that has just passed. We asked if I could read from Pippa's story, and they've given me that permission. I want to take some time in my contribution to do that.

In May 1997 ... [Pippa] woke up in severe pain and unable to move ... she was immediately admitted to Royal Perth Hospital and stayed for one month. Pippa was initially diagnosed with fibromyalgia (a form of chronic fatigue) and required intensive rehabilitation and physiotherapy to learn to walk again.

About six months later, Pippa woke disoriented, confused, and started to scream hysterically asking for someone to turn on the lights – which were already on. She was temporarily blind. Multiple seizures followed that were characterised by loss of consciousness and violent muscle contractions, resulting in a diagnosis of grand mal epilepsy.

On her twenty-first birthday, Pippa suffered a complete nervous breakdown with frightening hallucinations followed by a string of seizures.

It was at this point, after the tireless efforts of her doctors, that she was diagnosed with mitochondrial disease. After this:

Pippa and her Mum ... both had muscle biopsies and MELAS ... a maternally inherited form of mito, was confirmed. Later, her sister Toby also tested positive for MELAS.

As a result, Toby chose not to have children, not willing to run the gauntlet of potentially passing on the disease to her own children. Pippa's story continues:

Over the years, Pippa spent countless months in hospital and five times on life support when the family was told there was no coming back. Yet she kept her humour and shone in the face of adversity. She continued to celebrate other people's success and happiness. She was empathetic, compassionate and caring. ... After initially being given a maximum of 12 months to live, Pippa proved to be an inspiration and bravely fought MELAS for 22 years.

The final 12 months of her life were unimaginably tough, as her health gradually deteriorated even further. Towards the end she suffered several stroke-like events, gut and bowel issues and declining cognitive function. Despite defying her doctors countless times, Pippa died almost exactly two years ago, on 4 February 2020, surrounded by her loving family and friends. The story concludes:

Although the last few years of Pippa's life were very difficult, the family managed 3 trips to Europe, several trips interstate and as many trips within WA that they could manage. ... The whole family went on a trip to Melbourne on Pippa's 40th birthday which included a memorable overnight stay at the Werribee Open Plains Zoo ...

Despite all that Pippa had been through, her family said she never lost her big laugh, which they all knew so well. Pippa sounds like someone that I would really love to have met.

But, of course, what keeps families going in all of this, and it was exactly the same for those people whose stories I read in the euthanasia debate, is they want to remember the person before the illness, and nobody ever wants an illness to define the person. It seems to me that Pippa was able to strive above that, to continue to be Pippa, despite these horrific health issues that she faced.

What we know from Pippa's story and what we know from the other stories that have been told in this place is that mitochondrial disease is a debilitating genetic discord that robs the body's cells of energy, causing multiple organ failures or dysfunctions and sometimes, and I think often, death. There's no cure. Now, it might well be there is a cure in the future, and I hope that we keep dedicating medical research to that and let's hope there is a cure, but right now there isn't a cure. Current treatments aim to decrease the effect of symptoms but, of course, can't change the course of the disease. As we heard in Pippa's case and in other cases I have read, the treatments she had didn't really reduce the severity of the pain and disability that Pippa suffered.

One in 5,000 babies will develop a severely disabling and likely terminal form of mitochondrial disease. That's 56 births a year in Australia, more than one per week. This is why I support this legislation. It's why I really believe it's an important milestone for us as a parliament to vote on and to vote yes, because we're not forcing anyone to do anything. Just like the voluntary euthanasia laws in Australia or women's reproductive rights when it comes to termination, we're enabling a choice. It mightn't be the choice that any of us make but it will be the choice that other families and others individuals make. That's what I want to achieve in this parliament: to simply give people that choice and to focus our energy on cures and on easing the symptoms through pain management and of doing whatever else we can. But this is a course of action that not only stops the baby developing mitochondrial disease but it stops the genetic transfer so people like Pippa's sister Toby don't have to make that incredibly difficult decision not to have children, because she feared passing it on.

I would urge people: please, don't stand in the way of giving people that choice, that personal choice. Please don't let your morality or your beliefs stand in the way to stop other people from simply being given that choice. It may well be that some families with mitochondrial disease have the same view as some senators in here—that that's not a choice for them—and that's okay, but there will be many families who see their child suffering who would make that choice. I would challenge any of us in here, faced with the suffering of our own children or our friends' children, or even people like Pippa that I don't know, who would want people to have that level of suffering? I don't think any senator in here, regardless of your personal belief, would want that on anyone. So we have a choice here today, or whenever we get to finally vote on this bill, to end that suffering for people who choose this course of action or to continue to stick to our own moral beliefs and to foist them across the whole community. That isn't the role of us here as senators. The reason in the end I became a passionate supporter of the euthanasia bill in Western Australia was because on hearing Belinda Teh and other stories, on reading the Dying with Dignity stories and watching their videos, I realised it wasn't for me to impinge my views on them; it was for me, as a legislator, to enable that choice for others to take it or not to take it.

We have a lot of laws on our statute books that give people choice: women's reproductive rights, abortion, voluntary euthanasia. If this bill is passed here this week, this will become just one of those laws that gives people a choice, a real choice. Imagine if this was available to Toby. I don't know how old Toby is; she may be past the age of wanting children. Let's assume she took this option up, it changes her life, and suddenly she's able to confidently make a choice to have children knowing that, if she uses this procedure, she isn't going to pass this debilitating disease on to the next generation, to her children, to her flesh and blood. None of us would willingly choose to do that; we just wouldn't. That's not a choice we would make—to pass a genetic disorder on to our children and watch them suffer. Watching your own children suffer is the worst thing a parent can do. As parents, we always think it's our role to protect our children—which, of course, it is—and to do the best by them. So I urge you to pass this legislation.

Senator McMAHON (Northern Territory) (10:36): In considering the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 a lot of people find it confusing. I'm a veterinary surgeon and a scientist, and even I found it confusing until I delved right down deeply into it. I feel that it's a little bit misnamed—'mitochondrial donation'. People equate it with organ donation. You may decide that, when you die, you want to donate your organs. The person who receives that organ gets that organ. It's donated by you. You've said, 'You can take that from me when I die'—hopefully after you die, not before!—and that person receives that organ and they have it until they pass away. Mitochondrial donation is not a donation as such; it's the taking of genetic material from one cell and putting it in another. It might seem like semantics but when people hear 'donation' I think they equate it with organ donation, which is a very-well-understood and long-practised technique.

I will go into a little bit of the science of it. The mitochondria, as others might have said, are little structures in our cells—they exist in all cells—and they're often described as the powerhouse or the engine room. They're the structures which essentially take what we eat and turn it into energy for the cell to function. Mitochondrial disease is becoming better understood. This is a fairly recent thing in terms of medical research; it's becoming a more-

understood disease in recent times. There are various different types of mitochondrial disease. It's basically a dysfunction of the genetic material within the mitochondria, which leads to various manifestations. They can be extremely mild—so much so that the person with the condition doesn't even realise there's anything wrong with them—or they can be quite devastating, leading to the very early death of babies or children or long-term medical effects such as Senator Lines detailed with the case of Pippa. It was very distressing to hear about that case, and I'm sure that no-one would not have sympathy for someone who had to live with such a debilitating disease and a premature death. So that's the basics of what mitochondrial disease can do. It can range from very mild, to not noticeable to the person, to something that is incompatible with life.

What does mitochondrial donation do? You're basically taking a cell from a donor who doesn't have mitochondrial disease—a normal, healthy person. You're taking the genetic material from, in this case, an egg, because most of your mitochondria is inherited maternally—from your mother. That's not 100 per cent cut and dried, but the majority of it comes from your mother.

This is generally passed on from mothers to their children. So you're taking two eggs: one from a donor who doesn't have mitochondrial disease and one from the mother who does have mitochondrial disease. You are removing the healthy DNA from the donor and implanting it. You are taking out the DNA that's in the mother with the mitochondrial disease and implanting the DNA from that healthy egg in the defective egg. Then you are fertilising it, and then it goes on to hopefully—this is the theory, but, as far as I'm aware, this hasn't been done to produce a normal healthy human—get a normal baby that has the mother's genetic material and the father's genetic material. Only the mitochondria will have the genetic material from the donor. That's the theory of it.

As Senator Lines said, there is no cure and no treatment for this disease. That's true, and this technique isn't a cure or a treatment either. There are actually about five different techniques you can use, and they do vary slightly. I know Senator Canavan is moving some amendments, and some of those go to the different techniques that are used, because there is concern amongst some people that in destroying a zygote or an embryo you are taking a life. I get that. It's not my concern, but I understand that is the concern of many. But the theory is you get this normal embryo, which then hopefully turns out to be a normal person without the mitochondrial disease.

Yes, there is currently no effective treatment and no cure, but there is prevention. There is definitely prevention. This goes to your morals and your ethics and to the question of whether you believe it's a person's absolute right to have a child of their own genetic make-up. I'm not going to argue that. My point of view, personally, is no: having a child is not an absolute right that every single person on the planet has. We all have a lot of things that we have burning desires for. I get that for some people that is having a child that is of their genetic make-up. But there are a lot of other people who have equally burning desires about various things. We know that in life you don't always get what you want. So I would argue that it's not an absolute, government guaranteed right for every single person to be able to have a child of their genetic make-up. But, as I said, that's an ethical and moral debate.

You can currently prevent mitochondrial disease. You can prevent it by diagnosing it in the mother or father, and that's something that I think we need to focus on. I think we're putting the cart before the horse a bit with this legislation, because this would only come into effect if you've been diagnosed with the disease first. So I think we need to put a lot more effort into genetic screening, so that people can know they have this disease—or one of many other genetic diseases—before they make the choice to have a child. I think that's essential because, if you know you have mitochondrial disease, there are a few choices you can make. You can choose not to have a child: 'Children are not going to be for me; I'm not going to have children.' You can choose IVF. You can still have a child that is of your partner's genetic make-up and a donor's, and you can carry that child and give birth to that child, so you have a child that's your child and that you've given birth to. Alright, it doesn't have the mother's genetic material, but, as we've seen for many, many years all around the world, that doesn't stop people from loving and raising children, so you've still got that option.

The other option, if you have a burning desire to have a child, is that you can adopt. That's something that I would also like to see more effort put into in this country: facilitating adoptions. There's a whole pile of babies, kids and teenagers out there who would love to have a loving family raise them, and adoption in this country is quite difficult, so I would like to see that facilitated as an option. It's not going to be for everybody, because, as we know, some people have that burning desire: 'This child must be of my genetic make-up.' But, for those who just want a child and can give a child a loving family home and a great life, we should be doing all we can to facilitate that before putting billions of dollars into developing techniques that can potentially give someone a healthy child. Let's not forget that this is potential, because this is still experimental. It concerns me that these laws have been in place in the UK for six years now and we don't have evidence that these techniques can produce normal, healthy children, so that is a bit of a concern. So I think we need to consider how much effort we're putting into these laws and this research compared to other things that we could be facilitating, such as adoption and IVF.

However, having said that, I think it's important that Australian researchers are given the opportunity to conduct world-leading research. It's something Australia does very well. We've been world leaders in a lot of different aspects of medical research. So I think enabling the research and the testing to occur is important. I know one of Senator Canavan's amendments concerns the second phase, if you like, so it allows the research to occur, so Australian medical researchers can start conducting this research in Australia, but it stops short of allowing some minister in some government in the future to make regulations. We're told it will probably be at least 10 years before this goes on to phase 2, with the clinical trials and the clinical application. I'm all for starting the process, not just because this technique could give a family a child of their own genetic make-up but because we really don't yet know what else this research could lead to. It could well be that some of the techniques that are developed with this research at some stage in the future could save humanity. So I really think it's important to start the research and to have legislation that allows that to occur, but I would like to see it stop short of legislating here and now to, as I said, allow some minister from some government at some stage in the future to make up the regulations which will then determine how this is clinically applied.

We've got time. This is not time critical. It is time critical to start the research, but it is not time critical to legislate for the clinical application. We've got at least 10 years and maybe even more. The UK hasn't done much in six years. So we've got time, and we can come back to the parliament in the future. That may be a few years. It may be 10 years. Whatever time frame it is, we can come back when we have the results of the research that the UK is doing and that our own researchers are doing. That can be brought back to the parliament, and the parliament can then make legislation. I certainly would support this bill with amendments, and one amendment that I would really need to see is that we split it. We can go ahead with phase 1, but it needs to come back to the parliament rather than just be delegated to a minister to make regulations on. So that would be a critical thing that I would need to see to support this legislation.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (10:49): I rise to contribute to the debate on the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. As acknowledged by Senator Murray Watt, who represents Labor's shadow minister for health in this chamber, Labor members and senators have a conscience vote on this bill. In my public life I've participated in many conscience votes, and I appreciate that the Australian Labor Party, in its rules and processes, acknowledges that there are certain matters that engage significant moral, ethical and spiritual issues, and that the most appropriate way to deal with them is to recognise that members and senators ought to exercise their consciences and vote accordingly. Usually, these are matters of life and death, such as abortion and euthanasia, though the Labor Party has also extended conscience votes appropriately in the past to matters pertaining to the removing of discrimination or to the granting of equal rights to persons regardless of sexual orientation. Today's vote is one that deals with matters of life and death.

Before I get to the bill, I want to speak briefly about my approach to conscience votes in general. My view of conscience and its formation is shaped by my Catholic faith. An often misunderstood view in the public is that all Catholic Church positions and teachings are infallible—that is, without error—and are therefore required to be followed without question. That is not quite correct. There are some teachings that are infallible, but the vast majority are not. In fact, the church teaches that Catholics have a duty to follow their conscience above all else, and no Catholic can be compelled to act against their conscience. To fully form a conscience, Catholics are required to consider both faith and reason, to consider the human experience, to consider the evidence that exists in the fields of science and other relevant fields, and to consider church tradition and scripture. In some cases, this process of conscience formation has led me to vote in accordance with the positions of my church—for example, when I voted to oppose the use of embryos in stem cell research. In other circumstances, I voted in contradiction of what my church taught, such as when the Keneally government in New South Wales brought forward a conscience vote to grant same-sex couples adoption rights—a bill that I supported and that passed the parliament.

I was aided in the process of conscience formation on this bill by participating in the Senate Community Affairs References Committee inquiry in June 2018, chaired by Greens Senator Rachel Siewert, where I had firsthand experience and opportunity to examine the issues, the evidence and the experiences of people who would be impacted by this bill. This bill proposes to legalise a technique that would assist women with a genetic condition known as mitochondrial disease to conceive a healthy, genetically related baby. Mitochondrial disease is a term that covers hundreds of conditions. It can be mild, with few or no symptoms, or it can be severe enough to be life-threatening. It can occur spontaneously at conception or it can be passed on by mothers who have mutated mitochondrial DNA. Fathers, generally, cannot pass on mutated mitochondrial DNA to their children because all mitochondrial DNA comes from our mothers.

Currently, women with mitochondrial disease have some options if they want to have children. Some women use IVF and donor eggs to avoid passing on the disease. Others choose IVF with their own eggs but screen embryos before implantation to select those with the lowest risk of carrying the disease. Some may choose to adopt or foster

children, and some may choose not to become a parent. But some women with the disease see mitochondrial donation as another option to create a healthy, genetically linked child. The desire to have a child that is genetically related is foundational and universal to the human condition. Sadly, there are people who are not able to fulfil that desire owing to genetic conditions, medical infertility or social infertility. While my own situation of stillbirth is not perfectly analogous to the matters this bill covers, I note that my second child, my daughter Caroline, died of a condition that runs in sibling groups—a genetic condition for which there is no known clear cause or cure. Her death was a warning to me that any of my future children would carry a high risk of death as well, which in turn prompted our family to change our hopes and dreams in response to the children we would not have.

Knowing that the strong human desire to have a genetically related child will be unfulfilled, no matter the reason, brings great sadness. It can be profoundly devastating, and I'm sure I am not the only member of this parliament or the community to experience this sadness. Yet, per my conscience, I will be voting against this bill. In my conscience, while I can deeply and personally understand the desire of some parents with mitochondrial disease to access this process, I cannot support its legalisation at this stage of scientific evidence or while significant moral and ethical problems remain unanswered. The 2018 Senate inquiry into mitochondrial donation took evidence from people with mitochondrial disease as well as from medical and ethical experts. Our Senate inquiry did not recommend that mitochondrial donation be legalised in Australia.

One of my key concerns relates to the lack of scientific evidence on the impact of human beings and our DNA when mitochondrial donation occurs.

The process of mitochondrial donation results in a baby with three people contributing to its genetic makeup, which is why the technique is sometimes referred to as creating 'three-parent babies'. In Australia the cloning act prohibits the implantation of a human embryo with genetic material for more than two people, and for good reason: we simply don't know the scientific effects on future generations of altering mitochondrial DNA. The Senate report went into this in some detail, noting this is 'a foundational question to be answered prior to any legalisation of mitochondrial donation'. In the United States, mitochondrial donation is expressly prohibited for this very reason. US law also makes clear that even if a clinical trial of mitochondrial donation were to be approved it would only be permitted on male embryos, so as to avoid unknown consequences on future generations.

There are also crucial questions that have yet to be examined. The Senate inquiry pointed to those. In the interests of time I will not go through all of them, but I will flag that I am also alarmed that legalising mitochondrial donation would overturn key safeguards in Australian law relating to the creation, use and destruction of human embryos. These laws exist because the parliament has previously determined the appropriate ethical limits that should exist on the use of human embryos. Yet successive laws—in 2002, again in 2006, and now—have kept moving the goalposts, removing safeguards and taking us another step down the slippery slope.

In asking the parliament to legalise mitochondrial donation, Minister Hunt is asking the parliament to overturn key aspects of the cloning act and other laws. For example, one of the techniques for mitochondrial donation involves the creation of a viable human embryo in order to harvest it for parts and then destroy it. Many Australians share the view that such action is morally objectionable and that it should remain unlawful in Australia. Even the cross-partisan Senate report acknowledged that the creation and deliberate destruction of viable human embryos for reproductive purposes is a new moral question that deserves significant community consultation and consideration. I do not see evidence that this consultation has happened.

For me, creating embryos for the purpose of harvesting and destroying them is a moral Rubicon I cannot cross. Some might argue this is no different to creating embryos for IVF, some of which may end up being destroyed. I understand that response. My response would be: the intention in their creation matters. Creating embryos for the purpose of creating new life is something I accept. Yes, some embryos may end up being destroyed through IVF just as some embryos created through natural conception do not survive to birth. The key difference is the intention. In IVF we are not creating an embryo, a new distinct human life, for the sole purpose of harvesting, experimenting on or destroying it.

Another concern I have about mitochondrial donation is that it can require the development of a human embryo beyond 14 days outside a woman's body. Growing an embryo in a laboratory for more than two weeks has been outlawed in Australia and many other countries for decades, recognising that serious moral and scientific issues start to arise after that point in human development. In my view, this is an ethical line Australia crosses at its peril. We could see serious repercussions in unexpected ways, including, I might observe, for a woman's right to choose options in pregnancy.

I noted that in forming my conscience I sought to rely not only on my faith but also on reason—on scientific evidence. It is significant to me that mitochondrial donation is a technique that has never been verifiably used anywhere in the world. The only jurisdiction that has legalised mitochondrial donation—the United Kingdom, in

2015—admits, 'We have limited evidence on risks and success rates.' Just consider that. That is undeniably true. In over six years no baby has been born in the United Kingdom using mitochondrial donation. There have been reports of donations in Mexico and the Ukraine, where there are no specific regulations on mitochondrial donation. Those reports are somewhat unclear, and in these cases the results have been not been publicly verified by medical science.

As I said earlier, the procedure is expressly banned in the United States. We know that the United Kingdom has granted 21 licences for mitochondrial donations since 2015, and as many as eight have been subsequently approved for treatment. However, there is no public reporting available of the outcome of those treatments.

To put it simply, the science is not clearly available to answer the key questions—the foundational questions, as the Senate report said—of what happens if we alter human DNA in such a way as to create a person with three people contributing to its genetic make-up.

I do not come lightly to my position of opposing this bill. I also note there are amendments that have been circulated in the chamber, and I do take a view, in general, that those amendments seek to improve this bill. Nonetheless, I would like to be clear that, even if those amendments are successful, I will still vote against this bill. I do hope that those who are listening to or reading along with this debate today can appreciate the moral, ethical and scientific questions I have wrestled with during consideration of the committee inquiry and this bill. I do come with empathy—an empathy grounded in our shared human longing for genetically related children and an empathy grown from my own experience of losing a child to a genetic condition.

There can be no doubt that some people with mitochondrial disease suffer greatly. While some of us may have had analogous experiences, I acknowledge that we cannot fully understand what it is to live with mitochondrial disease. Nonetheless, as parliamentarians, we are required to bring all of our considerations—our human empathy, our examination of the scientific evidence, and our moral and ethical convictions—to this debate and to this conscience vote. No-one pretends that this decision is easy for anyone, whether that's those people who want the laws changed or those parliamentarians who might be grappling with these issues for the first time.

Some members of this chamber will indeed choose to support this legislation. I respect their views, but in my conscience, as I have laid out here, I cannot agree. For that reason, I will be voting no.

Senator HENDERSON (Victoria) (11:02): I want to begin my contribution by conveying my condolences to Senator Keneally. I wasn't aware of her loss, and I just wanted to say that I'm very, very sorry to hear your story.

Severe mitochondrial disease can have a devastating effect on families, including through the premature death of children; painful, debilitating and disabling suffering; long-term ill health; and poor quality of life. Approximately one child each week is born in Australia with a severe form of mitochondrial disease and often with a life expectancy of less than five years. Mitochondrial diseases are difficult to diagnose, and there is currently no known cure. Treatment options are limited and largely concern the management of symptoms. More severe forms of mitochondrial disease can have a devastating effect on families who prematurely lose children to the disease, and children who survive will often suffer from long-term ill health and poor quality of life. In Australia, approximately 56 children each year are born with a severe form of mitochondrial disease, and most will die within their first five years.

The Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 will assist those families affected by severe mitochondrial disease to use technology—assuming, of course, that the research and development stacks up—that will enable them to have biological children without passing on this debilitating illness. As we have heard in this debate—and this is the parliament at its very best, with a respectful debate about an issue of conscience, where all senators have the ability to express their deeply felt personal views—this is a very difficult issue. Mitochondrial donation is an assisted reproductive technology that, when combined with IVF, has the potential to allow women whose mitochondria would predispose their potential children to mitochondrial disease to have a biological child who does not inherit that predisposition. It involves a complex process to create an embryo which includes nuclear DNA from the man and the woman—the prospective mother—seeking to have a child and mitochondrial DNA from a different woman, the mitochondrial donor.

Mitochondrial donation can therefore minimise the risk of transmission of the prospective mother's mitochondria and, in doing so, aims to prevent future generations from inheriting these severe and debilitating diseases.

The government's laudably narrow proposal is that mitochondrial donation in Australia be implemented in a two-stage process—and this is very important—which will provide for a cautious introduction of the technology. The first stage involves legalising mitochondrial donation for use in research settings and for reproductive purposes through one carefully chosen organisation subject to an extensive monitoring regime by the Embryo Research and Licensing Committee. The second stage involves permitting mitochondrial donation in clinical practice more broadly. This conservative approach brings Australia into line with the approach undertaken by the UK, where

mitochondrial donation has already been legalised for the purpose of minimising the risk of transmitting serious mitochondrial disease from a mother to her child.

The government has consulted extensively on this bill with experts, scientists, clinicians and researchers as well as members of the community and advocacy groups. Notwithstanding its benefits, I recognise that mitochondrial donation raises vexed and very difficult ethical and moral questions about the modification of the human genome and the use of embryos purely for research and training, and that is why, of course, the government has rightly allowed a conscience vote on this issue.

Senator Keneally referenced IVF technology, and I'm very conscious that without IVF technology and all of the research and development into that technology thousands upon thousands of children would not have been born in this country, and of course that would probably run into millions around the world. IVF technology involves the creation of embryos, some of which are knowingly destroyed. That obviously is an ethical dilemma that each and every one of us has to grapple with. For me, I believe that IVF technology has been a game changer for this country and for thousands upon thousands of families, and investing in the research and development has changed the lives of so many Australians. For my part, I believe that the benefits of allowing mitochondrial donation outweigh the risks. Mitochondrial donation will not result in three-parent IVF, as has been contended. Children born using this technology still have only one father and one mother. The female donor contributes only healthy mitochondria and no more. No genetic material involved in the personality of the child and the characteristics of the child is inherited from the mitochondrial donor. Moreover, the bill expressly prohibits gene editing of either the nuclear or mitochondrial DNA of the child.

Donor rights and responsibilities for Australian mitochondrial donation egg donors will be largely aligned to current assisted reproductive technology regulations, such that these donors will not be considered parents for the purposes of the Family Law Act, and children conceived with the assistance of mitochondrial donation will have the right to apply for identifying information about their donor when they turn 18 years old.

I believe in my conscience the bill goes as far as is necessary to allow potentially life-saving technology to be used for the benefit of our children without spilling into the very murky ethical territory of human gene editing. I do also want to note that Senator Canavan has just provided me with some more information in relation to amendments that he intends to move, and I will, in good faith, consider those amendments as part of this debate, but I will be voting for this bill. I commend the bill to the Senate.

Senator GROGAN (South Australia) (11:09): I rise in support of the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. This is a matter of conscience for Labor senators and, I believe, the first conscience vote that I have participated in in my time here.

My conscience tells me that we should allow this science to be investigated and developed here in Australia and ultimately allow the opportunity to save the lives and prevent the suffering of thousands of Australians.

Mitochondrial disease can have severe and profound impacts on sufferers. I would like to thank the Mito Foundation for taking me through the realities, experiences and stories of this disease and its impact on its victims and to recognise the enormous amount of work that they do to support people and their families suffering with this disease.

This disease affects around one in 20 Australians in some way, and around one baby a week is born with a severe form of it. There is no cure. Some people who are affected by mitochondrial disease are fortunate enough to not experience many symptoms, while others are completely and utterly devastated by its impacts. Whether it's enormous fatigue, developmental delays, seizures, muscle pain or hearing loss, these symptoms can have a debilitating effect on a person's quality of life and a resultant impact on their family. Fundamentally, mitochondrial disorders impair the body's ability to produce energy, and so mitochondrial disease can affect every organ in the body, as every organ needs energy to function. This is most severe in the brain, which uses an enormous amount of energy. Issues in the brain can have a devastating impact on our lives.

Mitochondrial donation gives us an opportunity to fix the problem before a person is born and before the lifelong effects of mitochondrial disease begin. This treatment, as we've heard from many others, is fundamentally an assisted reproductive technology. It doesn't end the suffering of people who are suffering from mitochondrial disease today, but it might prevent the next generation from experiencing that pain.

I acknowledge and respect the concerns that have been raised by some in this chamber and by stakeholders and some members of the public. But we need to be very clear: this is not a process to select the characteristics of your baby; it is a very specific clinical process to save lives. This is a relatively new set of procedures. The UK remains the only country to date that has changed its laws to allow for mitochondrial donation, and that was only in 2015. An update from one of the research organisations in the National Health Service in the UK has provided advice that their progress has been delayed due to COVID-19 but that their progress so far has been very positive. We don't

have the benefit of lifelong experiences of people born after mitochondrial donation procedures were performed, and so we do need to be cautious, but we have no shortage of stories from people who've spent their lives struggling with mitochondrial disease. We know the devastation it can bring to sufferers and their loved ones.

To their credit, the government have undertaken a thorough process to get us to this point. The Community Affairs References Committee of this Senate considered the issue in 2018, taking public submissions and issuing a series of recommendations for further examination. The National Health and Medical Research Council explored the issues in 2019 and 2020 through its Mitochondrial Donation Expert Working Committee. This bill was the result of a process of consultation undertaken by the Department of Health last year. So it's clear this process has not been rushed; nor has it been a tool for scoring any sort of partisan or ideological points. By contrast, it has been thoughtful and considered, and the bill it has resulted in similarly reflects a considered and cautious approach.

The bill would not immediately legalise mitochondrial donation. Instead, this bill provides for a two-stage process.

Stage 1 is expected to last for some 10 years. Only a limited number of licences will be granted for mitochondrial donation for research and training. They would not be available for general clinical use and will be closely monitored by the special committee of the National Health and Medical Research Council. Only at stage 2, well into the 2030s, will mitochondrial donation become available for clinical purposes. Even then, the states and territories will need to opt into the scheme and will likely need to undertake their own legislative processes to do so.

I know this will be cold comfort for those families currently suffering with mitochondrial disease, and it will be especially tough for those who want to start their own families but know that doing so will carry the risk of their children being affected by this disease. It will be especially tough for those who are looking at this situation and are dealing with the day-to-day effects of this disease on their current children. But, on balance, I support this approach. It gives us certainty that we will understand the long-term effects of this incredible technology while also providing hope to affected families.

There are quite detailed provisions relating to records which will need to be kept and maintained relating to the children born through these processes. I think that is very important not only for the scientific study and research purposes but also for the rights of the children born through this process.

In closing, I want to reiterate my support for this important piece of law reform. I also want to pay my respects to the Australian science community and the truly amazing work that they do on so many issues. They have the talent and the patience to bring the science behind mitochondrial donation to fruition and to turn hope into reality for a lot of Australian families.

Senator AYRES (New South Wales) (11:16): The vote on this bill—the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021—is, in fact, my first opportunity to participate in a conscience vote in this parliament. The operation of a conscience vote has got a long history in this parliament. It has covered many matters. Contemporarily it's understood to deal with matters of life and death and matters of faith, but historically it was used as a matter of convenience up until 1963. Questions about tariffs and matters of trade and economic questions were conscience votes in this parliament. It's hard to imagine that being the case now.

The conscience vote has, of course, a long history in the Australian Labor Party and the Labor movement. In my view, it's critical for the functioning of our democracy. As my friend, Senator Gallagher, said earlier, it's an opportunity for people to participate in this debate without our party logos on, applying our reason, our value sets and our various faiths to these questions. It has been critical, I have to say, in terms of maintaining Labor unity and unity on the progressive side of Australian politics. It has allowed us to focus on our historical mission to lift living standards, to deliver economic growth and to build a stronger, fairer economy but also, on these narrow questions of conscience, to allow members and senators to express their views.

In that vein, I've taken this matter very seriously, and taking it seriously means taking the views of other senators seriously in this debate and respecting the very diverse sets of views of other senators both across the chamber and within my own party. It also involves not taking the views of others for granted based upon their faith background or their lack of faith background.

In my view, it is possible for people of deep faith—that is, those whose faith informs their views about the sanctity of life and about the relationship between the dignity of individual lives and the collective interest, or state action in the national interest—to fall on either side of this argument and to speak and vote either for or against this legislation.

In terms of the caricatures that some people draw of them, it's possible that secular progressives, who are also mobilised by deep ethical considerations, concerns and frameworks, could also legitimately appear in today's debate and argue the case either for or against the legislation. Identity politics is dangerous and there's been too much of it over the last few decades, on the left and on the right, in terms of drawing caricatures of different people's positions.

There should be a lot less of it. I think my friend Mr Jones's speech yesterday in the House on the other matter that's before this parliament was an illustration not only that Australia is more complex, more diverse and more of a patchwork than it's convenient for some of the people in our leading newspapers and some of the people in our political firmament to describe but also that Australians themselves as individuals hold quite diverse and thoughtful views on these subjects. Most Australians fall cheerfully between these identity politics caricatures of what people's views are supposed to be in relation to any issue.

I think the responsibility when there is a conscience vote is not to just assert a view based upon the values and the ethical background that you bring to the debate, but to bring some precision to one's own thinking when one considers these issues. To be really clear, not just in terms of moral clarity, I think it would be a profound error to make a values based decision about exercising one's vote if a senator is ignorant of the precise details of what is being proposed for senators to consider. And I have to say that, if I were confronted with a piece of legislation here that had aspects of genetic modification, such as cloning or gene-editing technologies, I would find those practices deeply problematic. I would have deep objections that would be difficult to overcome, if those issues were raised by the legislation before us. But I have come to the view that this piece of legislation, which has been carefully developed, does not engage with those issues.

The kinds of processes that are being proposed to be made lawful here, in terms of both research and clinical practice, don't alter the personal characteristics of future babies and future humans in any way; they just resolve this narrow question of whether a baby has properly functioning mitochondria or not. I think that's what this Senate should engage with—not in anticipation of other debates that might be occurring, in terms of the future of gene technology, and not shaped by views of past debates that have been won and lost in this place, but by the precise question that this bill engages. I don't accept the slippery slope argument that's made by some opponents of this legislation.

As we evolve and as scientific research and clinical practice evolves, this parliament has to be able to make decisions about the right processes, the direction of regulation, and I don't accept that making this decision here will have any impact on future decisions that the parliament makes.

It is put by opponents of this legislation that there is some uncertainty in future research, and I accept that it's the case that there are some areas of uncertainty. I don't have the scientific capability to describe those here for you today. But that's why this is a two-stage process. That's why there are gates and proper evaluations. There are some certainties, though. If we don't adopt the approach that's outlined in this bill, there is no hope for the one in 5,000 babies—around one a week—who are born with this invariably fatal condition. We can't, in my view, be remote from that fact. It is a good thing that the legislation is named after a little girl. You can't have a cold heart when you look into the eyes of little children. We have to, in my view, consider that and not turn away from the reality for those little kids and their families.

This is a signature piece of legislation for Minister Hunt. I know that the Prime Minister has indicated his support for the legislation too. It's a signature piece of legislation. I know the Prime Minister may not want to have a policy legacy, and he's very unlikely to have one, but if this piece of legislation is achieved Minister Hunt will have a policy legacy, and it will be in the happy lives, the laughter and the growth of little children who haven't been born yet.

The scale of community consultation that underpins this legislation is absolutely appropriate. On the Labor Party's side, the scale of caucus debate and consideration of all of the different views on this question—which, as I've said, I deeply respect—has been excellent. I particularly want to highlight the role of the member for Macarthur, Dr Freeland, in his previous life a consulting paediatrician, in my colleagues' deliberations on this matter. Not only have his decades of experience in treating children with mitochondrial disease enriched our collective discussions and the public discussions on this question; in private, Mike has been a source of great support and somebody who's been able to answer questions both from me and from others.

Of course, there have been other complex questions on these issues that have been considered by previous parliaments. There have previously been debates in this chamber about reproductive technology, and this debate of course will not be the last. I will point to just one of those debates. The debate about whether or not in-vitro fertilisation treatment could be researched and then enter clinical practice in Australia was instructive. Under the direction of Carl Wood and Alan Trounson, Monash University researchers achieved the world's first IVF pregnancy, in 1973, and the birth of the third IVF baby, in 1980.

They are pioneering scientific achievements. Tens of thousands—possibly hundreds of thousands—of happy, healthy children have been born to parents who might not otherwise have been able to conceive. And Australian parliaments were amongst the first in the world to develop and pass legislation and a regulatory framework to govern IVF treatments. It was the Hawke government that established the National Bioethics Consultative Committee in

1988 to address, amongst other things, surrogacy; information in relation to donated eggs and sperm; and genetic counselling.

One in 20 babies born in Australia today is a result of IVF treatment. And that is a good thing. It was controversial at the time. It is still controversial for some members and senators in this place, but it's been widely adopted. It is a good thing and it has enriched the lives of countless thousands of Australian families. The Senate should view this piece of legislation in that vein. This is an opportunity, in what will inevitably be a squalid end to this term of parliament as the government creeps towards calling an election, to do some good that will enrich the lives of little children and families all over Australia and give them some hope.

Senator MARIELLE SMITH (South Australia) (11:31): I rise to make a brief contribution to this debate on the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. I won't go into the bill in depth, as other speakers have done; its main components have been well-canvassed by both sides of this debate. But I do want to put on the record for my constituents my reasons for supporting this bill. From the outset, I wish to be clear that I have not come to this position quickly, I have not come to it with perfect ease, and I have not come to it without some reservations. And I'm grateful to all who provided me with counsel as I worked through the bill's merits and the challenges it presents. I absolutely respect the deeply held views on both sides of this debate. I want to state for the record my deep respect for the views of my colleagues who, for reasons of their faith or for other ethical reasoning, do not feel able to support this bill. I feel personally that I am able to reconcile my own deeply held faith with this bill, but I very much understand why others may not be able to.

These are complex questions. Indeed, they are some of the most complex questions in, and of, life. They are asked and debated not just in this chamber but in our community as well. Of course, beyond these issues, there is still so much we don't know about mitochondrial transfer. There are some risks that are impossible to quantify until research is allowed in a regulated, structured way. I understand and respect the concerns of my colleagues here, too—I do. But, on this vote of conscience, my conscience is telling me to stand for the mothers and fathers for whom this bill offers hope—hope to replace fear, hope to alleviate pain, hope to provide some comfort in their grief.

I am a mother blessed with two wonderful children, who are a miraculous and wonderful blend of my husband and me. Whilst my pregnancies weren't without their serious challenges, we never faced the heartbreaking choices that have befallen so many families who haven't been able to conceive as they had hoped they would—those who've had to turn to stressful and saddening rounds of IVF which never resulted in a baby to love and to hold; and those friends of mine who have loved, and lost, children with a genetic disease they had no idea they were a carrier for, and who had no way to prepare for or to respond to the world-shattering grief and pain that lay ahead for them when they later lost their child.

If I could do anything to take that pain away, I would. For the parents who carry the burden of possibly passing on the potential for this disease to befall their children, perhaps this is what this bill will ultimately achieve—hope of taking that pain away.

This is the hope that this bill offers. As a legislator, I can see the challenges and complexities that this bill presents to us for many different reasons—for very valid reasons, which go to very deeply held beliefs, for many people. But, as a mother, as a sister, as a friend and in my good conscience, I choose to vote for the hope and the progress that this bill has the power to bring.

Senator DODSON (Western Australia) (11:35): I rise to speak to the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. I've listened to colleagues across the benches and heard much of the angst and pain that we know is associated with this particular illness. I've given this bill some deep consideration. I've read carefully the submissions of those who support it, those who have guarded reservations and those who have outright opposed it. I am by no means an expert in any of the complexities that arise in contemplation of the particular disease or of the methodologies of the science that goes with this, and I have respect for all those of differing opinions and positions. That's why, I suppose, this is a conscience vote. I have no right to examine the consciences of others or to interrogate their beliefs that are genuinely held. But, in the end, I have decided I will vote for this bill. I am untroubled by that decision, but I feel I owe a short explanation as to why I arrived there.

While I respect the views and conclusions of those who oppose the legislation, I must say from the outset that I do not support arguments that mitochondrial donation would lead to dystopian scenarios like the development of designer babies. While I acknowledge there are serious moral and ethical reservations, I can't accept the third-party caution that opponents of this bill espouse. I prefer to accept the views of scientists as represented by the peak body, Science and Technology Australia. In their submission to the inquiry by the Community Affairs Legislation Committee they said:

The concern that mitochondrial donation would result in "three-parent" children is not founded in scientific fact. Placing the DNA of a mother's nucleus into a donor egg does not significantly change the genetic makeup of the child.

But it does prevent mitochondrial DNA defects from being inherited by the child. That would have to be something wonderful.

I'm comforted by the extensive consultation and scientific reviews that have preceded this bill and the proposal to stage its implementation by starting with clinical trials. I've canvassed the range of religious, philosophical, biotechnical, bioethical and forensic arguments about mitochondrial donation, and I've acknowledged the risks and uncertainties that attach to it, but I have faith in the skill, integrity and authenticity of the medical profession to manage those risks and uncertainties not only in the best interests of their patients but in the best interests of humanity.

I truly believe that any risk is ultimately outweighed by the benefits that mitochondrial donations will deliver.

In the end, my decision to support the bill is driven by very practical considerations and influenced by the practitioners who have treated and cared for those affected by the consequences of mitochondrial diseases. Last night, as I wrestled with the pros and cons of some of these matters, I received a text from a very, very old friend, who had dragged me away from being taken by the police as one of the stolen generations over 60 years ago and who had never bothered to contact me in politics. She was asking for my support because of her dealings with this matter as a nurse and a health professional over many years. I'd already made my decision by that time, but I was supported in my own grapplings with this by someone I knew and trusted and who had practical experience of these matters. I was in the right space.

If it is in the realm of medical science to save a baby from disabling disease or death, which is the certain prognosis of this mitochondrial disease, then I say it behoves us to embrace that science. But the practice of that science must be subject to strict regulatory oversight. I support the bill and I recommend it to the chamber.

Senator McALLISTER (New South Wales) (11:42): I rise to speak in support of the Mitochondrial Donation Law Reform (Maevie's Law) Bill 2021, which seeks to enable mitochondrial donation. I don't intend to detain the Senate for very long, but I did think it important to place the reasons for my support briefly on the record.

More than once a week, a baby is born in our country with a truly debilitating form of this genetic disease. It robs the body's cells of energy, it causes multiple organ dysfunction or failure, and sometimes it causes death. Each week, up to 30 children who are at risk of developing a mild or moderately disabling version of this disease are born in Australia. It's very difficult to diagnose. There are currently very few effective treatments against mito.

One of the features of the last few years in the pandemic is that so many of us in this place have had to confront illness and disease. Wherever individuals in this chamber have landed on this bill, I know that we all recognise the suffering endured by a parent who cares for a very sick child. Too many of us have had to have those conversations in recent years.

Mitochondrial donation offers hope for a woman at risk of transmitting mitochondrial disease to her child, and it also offers hope to her partner and to her broader family. It is unquestionably a remarkable moment in science. It's one which offers immense benefits to those amongst us who have suffered from this disease. As humans, we have been gifted with the capacity to build and extend our knowledge, and in our lifetimes we have witnessed extraordinary developments in scientific capability.

We have also been gifted with a capacity both for reflection and for foresight. Whilst I'm not a person of faith, I am in the camp that often counsels caution about new technology. We should always consider the social and ethical consequences of adopting new technologies. In this particular debate, I am grateful for the many people who have engaged deeply over many years in public discussion about the ethical characteristics of this technology and who have assisted in defining the regulatory safeguards and systems which are proposed in this bill.

All new technologies present risks. As humans, we have proven ourselves capable at times of using technology in the most disastrous of ways. Our only path, as I see it, is to avail ourselves of our immense capacity for ethical deliberation and for human empathy, and to consider the ways that we might best use technologies to serve our communities. My instinct is that this must be a profoundly democratic, deliberative process. In the end, as we have seen in example after example, it is rarely possible to shut the box on a new capability. Our only path is to work together to talk about how we might use a new capability and to make sure that we are collectively comfortable, that it fits within our broader goals and our aspirations for ourselves as a community and as a people.

One of the strongest characteristics of the bill before us is its capacity to enable further discussion and debate about the application of this technology. It provides a legal framework to allow the continuation of research on mitochondrial donation and its application in a clinical environment. It contains safeguards which define and constrain the application of the technology. As the EM explains, it introduces this technology in a staged and controlled manner, with a two-stage implementation approach. This is intended to allow for the expansion of scientific evidence to ensure that the techniques are safe and effective and are undertaken in an ethically appropriate manner.

As I said, in its regulatory design, it specifically enables a continuing public conversation about the technology at hand. Ultimately, though, it is a technology that has the capacity to alleviate real suffering. It gives Australians who have this disease the opportunity to raise a healthy family. It's on this basis I will be supporting the bill.

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (11:48): I'm pleased to have this opportunity to speak in support of the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. A lot of what I will say has probably been said, but I did feel the need to put my voice to this because I do support the bill, and I do support the outcomes this bill will achieve for parents, children and people in our community with mitochondrial disease.

Today I don't speak on behalf of my whole party; I speak as an individual senator, because this will be a matter debated and voted on as a conscience vote—a free vote. We know that. We know the members of my party will have a conscience vote on this matter. As I said, I felt the need to put my voice on the record for this.

It's consistent with the way in which the Labor Party has treated issues around embryo research since 2002. There are matters of conscience around embryo research and matters that deal with abortion which are free votes. That decision is not made lightly, and I trust that I speak for my fellow Labor senators when I say I really appreciate the opportunity with which we are provided and the consistency of our party's approach on these matters.

The bill is appropriately named Maeve's Law after Maeve Hood, a young girl from Victoria with mitochondrial disease. Mitochondrial disease is a debilitating genetic disorder that strips the body's cells of energy, causing multiple organ dysfunction or failure and, quite often, death. It has no cure, with treatments currently available aiming to decrease the effects of the symptoms. At present, these treatments do not significantly change the course of the disease. That's why I support the passing of this bill. I hope it does pass this parliament.

We know around one in 5,000 babies born in Australia—that's more than one baby a week—will develop a severely disabling and likely terminal form of this disease. Most of these children will die within the first five years of their life. It's hard when you grapple with that. If you're a parent and you know there may be an opportunity to save your baby, would you not put that forward? I think that's the opportunity we should make as legislators, in giving that choice to those parents through supporting this bill going through the Senate today.

Mitochondrial disease is caused by a defect in the baby's mitochondrial DNA, which is a type of DNA that is passed only through the mother. It is passed on through the egg cells rather than the sperm cells. Our mitochondria help translate the food we consume into energy to enable our bodies to operate effectively. Mitochondrial donation involves replacing the mother's mitochondria with mitochondria from a donor egg. Mitochondrial DNA does not influence characteristics such as height, eye colour or intelligence. All these characteristics are determined by the nuclear DNA, which is not impacted at all by the donation process.

We've heard today, and through the many inquiries and reports that have brought us to this place, much about all the technical and ethical issues that the bill raises. These issues are of concern for some members. I appreciate those concerns and I have considered them deeply, but I hope that today, in the vote we will have in this place, we will reach a point where we decide that this bill is about people. It is about people attempting to save their children from a terrible disease. It is about babies. It is about very young children and their parents, grandparents and wider families. It is about relieving suffering and giving children the opportunity to live a normal healthy life and realise their full potential.

My view is very much informed by the knowledge that mitochondrial DNA is distinct from nuclear DNA, which makes up the overwhelming bulk—as much as 99.9 per cent—of a person's DNA. It is the nuclear DNA which determines what we would understand to be a person's unique characteristics—their looks, their personality. Mitochondrial DNA constitutes one one-thousandth of a person's DNA, and its basic function is to convert food and oxygen into energy.

Some describe it as our battery pack. Whereas nuclear DNA goes to make-up what we understand to be the unique characteristics of a human.

I note that we as senators must grapple with the fact that this bill raises issues that must always be considered in relation to science and health care. These issues are as old as medical science itself, and we continually hear about looking at the science and the medical advice. The questions are: How much should we intervene? How far should we go? Is this a move towards designer babies? I do understand that some members of my community hold ethical and faith based beliefs which make consideration of this issue very difficult for them personally.

Personally, I find comfort in the fact this bill is consistent with the definition of embryo under the law in Australia. Both of the two main approaches to mitochondrial donation—pronuclear transfer and maternal spindle transfer—probably do not involve activity undertaken at the point of an embryo. I think everyone in this chamber recognises that this raises very sensitive issues. We are dealing with a disease that too often is fatal for very young members of

our community, causing enormous grief and real suffering to their families, their friends and their extended families, and we're dealing with some deeply held serious ethical and faith based beliefs.

Mitochondrial disease is an incredibly serious genetic disorder, which is, as I've stated, often fatal for very, very young children. Energy-demanding tissues, such as brain and muscle, are most commonly but not exclusively affected. In Australia, the incidence of mitochondrial DNA mutations is predicted to be at least one in 250, with several hundred families already diagnosed, although many carriers remain unidentified. Some families have multiple generations of affected individuals, often with devastating consequences. Their healthcare needs present enormous emotional, physical, social and financial burdens on families, leading many couples to seek options to prevent disease transmission to their offspring. Currently, their choices include voluntary childlessness, adoption, using eggs donated by unaffected women or prenatal and preimplantation genetic diagnoses.

I believe that this legislation, Maeve's Bill, is well designed and well considered, balancing the extraordinary potential emerging technologies—and we have a lot of them in this country and across the world—that we have to improve our medical practice and the quality of life for a number of Australian families while recognising the ethical issues that are posed for many Australians and the need to tread carefully through this in a slow and staged process. It is clear that mitochondrial donation can significantly reduce the risk of maternally inherited mitochondrial disease transmission to children. For some families, it proves their only option to have unaffected genetically related children. Here in Australia we certainly have the clinical and the scientific expertise to introduce mitochondrial donation in a highly regulated environment—that is, if Maeve's Law passes both houses of this parliament.

I know there have been contributions over the last couple of days in this place that tell stories of some of our senators who met with families and talked to families about what this means to them. I don't have any knowledge of those families; I don't know the families, but what I know in my heart is that, if my child were affected or a child that I know or, in fact, any child, I believe they have the right to make the decision. Therefore, we should make the law that allows them to have the right to make the decision whether they go ahead with it or not.

I believe that a cautious and staged approach overseen by a licensing committee is appropriate. It flows from deep consideration over several years. I want to acknowledge here the work done by my fellow senators on the Senate Community Affairs Legislation Committee for the inquiry and the report that they produced into the matter in August 2021. There is a long way to go in developing the protocols, the techniques and the understanding of this research, but it does provide real hope to many families across Australia that we know have children with this disease.

I already indicated at the start that I will be voting in favour of this bill. Recognising that these issues are not easy for many members of our community, I am convinced this legislation is worthy of our support and that, ultimately, it will lead, through a careful and staged approach, to a reduction in suffering and disease for children and families, who'll have the freedom to realise their potential and make the fullest contributions to our society and the world. That's something that I think we all want for not only our own children but children in general. We want them to meet the fullest potential that they can.

In my work as a senator, and in my personal life, I've known and provided what support I could to many families dealing with the agony of witnessing the suffering and death of a child from various chronic or genetic illnesses. As I've said, I don't know a family with mitochondrial disease, but I do know of other families with children who have either died or are suffering from chronic and genetic illnesses. I think the opportunity for us to be able to provide the mechanism for those families to make a choice about making that better for their children is something that we should not hold back on. We should allow this bill to pass. Witnessing that same suffering, the deep grief and the same gaping hole in the life of a family and a community when a life is lost, I firmly believe that it is our job as leaders in our community to do whatever we can ethically do to reduce that pain and terrible suffering that parents and families have at the loss of a child. I will definitely be supporting this bill.

(Quorum formed)

Senator FARRELL (South Australia) (12:04): I rise to speak on the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. Excuse my voice; I had COVID over Christmas and, while I've fully recovered, for some reason my voice hasn't got back to its usual force. I apologise if I'm—

Senator Seselja interjecting—

Senator FARRELL: Yes, I'm sure you will, Senator Seselja. Like all issues where we get a conscience vote in this chamber, this is an extremely difficult issue, and I very much appreciate the fact that my party has a generous view when it comes to the issue of conscience votes—particularly where there are issues of life and death, but also more generally—and that there are opportunities for people in the same political party to accept the proposition that there are people with different points of view and that you get a chance not only to express those different points of view but also to vote in accordance with what your conscience is telling you on a particular issue.

In the time that I've been here, there have been a number of these issues. There was the issue of euthanasia as it related to the Northern Territory and the Australian Capital Territory. That was a very divisive debate, I have to say, but again it was an opportunity to express a point of view based on my own personal beliefs. I've also had the issue of same-sex marriage while I've been here. Again, those have been issues of great import, and I welcome the fact that my political party has given me the opportunity to exercise my conscience when it comes to those issues.

The issue that relates to this bill, in respect of mitochondrial disease, again raises significant and deep issues for our community to give consideration to. I'm aware that when this bill was debated in the lower house there was majority support for it, and it now comes to the Senate for a final determination of the issue. I've tried to reach out to both sides of the debate and talk to people in those communities which have an interest in this issue to try and inform myself, to the best of my ability, as to what the issues are and what the concerns of the people on each side of the debate are. I've tried to speak to them directly and get a sense of what it is that they are seeking to do by either supporting the passage of this legislation or opposing it.

I have to say that we have great sympathy for parents of children who have this condition and great empathy for the situation in which they find themselves: dealing with children with this condition. From their point of view, it's very heartbreaking to see the circumstances in which their children find themselves. But there are other considerations, I think, that other people have raised, where there are fundamental issues of life and death that need to be taken into account.

Those people have raised issues about changing the DNA of individuals, and the long-term and unknown effects that changing that DNA might have on the community.

One of the points that has been influential in my thinking came from discussing it with an ethicist in South Australia who's familiar with these serious issues and has spent a lifetime dealing with them. That point is that, in this process, we change the DNA not only for one generation but also for all future generations. This is an issue not just about the effect on one individual; this is an issue about what effect it's going to have on future generations. You've got two issues competing: on one hand, you've got the issue of what do you do with parents who find themselves in these very difficult circumstances; on the other hand, there are broader issues for the community to consider about the long-term effects of giving approval to legislation that can affect people not just for one generation but also for all future generations. I've tried to balance out these concerns, noting that it's an extremely difficult issue, and I've tried to listen carefully to the contributions of other people—both those who are in favour of the legislation and those who are of a different point of view. I've finally come to the view that I will oppose this legislation, but I want to make it clear to those people who have a different point of view that I've tried to think as deeply as I can about the issues that arise from voting for or against the legislation. I want to make it clear to those groups that I've put deep thought into the way in which I'm going to exercise my vote.

I am aware that there are some amendments to this legislation. I've been fortunate enough to speak with Senator Deb O'Neill, who has done a lot of work on this issue and has been involved from the start with discussions about it. I understand that she is proposing three amendments.

Senator Steele-John interjecting—

Senator FARRELL: I'm not sure if Senator Steele-John is referring to those amendments. I understand they may get some support from our colleagues in the Greens, which would be a very good thing. They are in regard to issues which I think the government, and more particularly the minister, should have taken into account before bringing this bill to the parliament. One of the issues relates to the importance of civil liability in respect of these cases. It seems remarkable to me that, where questions are still up in the air about how successful these medical treatments might be, and about all of the medical issues associated with them, we find ourselves in a situation where the government is proposing to remove civil liability for the scientists who are conducting these treatments.

I have to say, I do find it very remarkable that what is essentially a government bill—I appreciate it's a conscience vote, but it is a government bill—is coming before us and we find ourselves in a situation where the government is proposing that scientists in this area have no—I appreciate we've reached the time and I ask that I be in continuance.

Debate interrupted.

The ACTING DEPUTY PRESIDENT (Senator McLachlan): I shall now proceed to senators' statements.

STATEMENTS BY SENATORS

Federal Election

Senator BRAGG (New South Wales) (12:15): I rise to make a statement about the forthcoming election and the attempts by some to try and heavily influence, if not buy, their way into some sort of power arrangement here in Canberra. There has been a long tradition in Australia, like in many other countries, of wealthy people seeking to influence elections for their own benefit or for vested interests. This was a key theme in the establishment of the

United States and their constitution, and it has been a feature and a problem in our society. When I think about the predecessor party of the Liberal Party, the United Australia Party, which I think, bizarrely, has re-emerged in some form in recent times, the people who were associated with that particular party made the point at the time that the UAP was deeply flawed because the people that were writing its policies were its key donors. Of course, the constitutional obligation of all the members and senators in this place is to perform their duties in respect of their constituents, not in respect of their donors or their key supporters.

Sadly, the emerging so-called 'Voices of' groups—and one of the key groups, the Climate 200 fund, is proposing to spend \$20 million to try and buy a few seats in this place—have started to channel this UAP from yesteryear. The reason I say that is that they are proposing to fund candidates and they are proposing to engage in this election without providing, in many cases, the true disclosure of who their donors are; and, given their very threadbare policy agenda, we will have to assume that, beyond the very legitimate issue of climate change, it is pretty much a blank canvas to be populated by their donors after the election if they are successful.

Climate 200 and their associates are focusing only on a few people, predominantly classical Liberals in inner-city areas. They are proposing to tell people in these areas that there are only one or two issues that face the federal government and the nation. One of those, of course, is climate change, which is a very legitimate and important issue and something that we should do more on and we are doing more on. But the point is whether the 'Voices of' groups will be like the Labor Party, in that the Labor Party is principally funded by the unions and by the super funds and, as a result of that funding, they get to write the policies of the Labor Party. The Labor Party's policies on industrial relations and superannuation are not written by people in this place; they're written by the vested interests down at Trades Hall or down at the super funds billionaires' building down in Melbourne. That is a reality, and you only need to look at the evidence of their advocacy on super in the last few years to see that the Labor Party would rather deny workers of Australia a pay increase in order to give them a higher super contribution, which is rather remarkable. That is where I think we are heading with this Climate 200; we're going to find that these invisible people are going to be pulling the strings.

If you want to come into public life, you've got to be prepared to take a few hits. That's how it goes.

We are all prepared to take the hits when we stand up in this place. There are people, like Mr Holmes a Court, who want to fund candidates and want to get involved in all sorts of murky court cases, and that's not how the system can work. These people—Mr Holmes a Court, Mr Staindl, Mr Poulton, Mr Yates—have been involved in a disgraceful attempt, which I first addressed in this place back in September 2019, to bring about a citizenship challenge against the Treasurer. It's probably one of the most disgraceful things that's happened in public life in my lifetime—to suggest that a family that had their citizenship cancelled by Nazi Germany should be dragged through the courts, effectively, to prove that their citizenship wasn't cancelled by Nazi Germany. Mr Holmes a Court and Mr Poulton and Mr Staindl and Mr Yates—a number of whom are actually Holocaust deniers—have been involved in this disgraceful performance, which we've recently seen conclude.

Mr Staindl has been asked to cough up 400 grand, and he says he doesn't want to pay it. He said:

I undertook this dual citizenship challenge because I felt betrayed by my representative.

He felt betrayed by his representative whose family escaped from Nazi Germany! He goes on to say that he would like to see the government look upon this—and, I assume, pay for it—just like any other dual citizenship challenge. As if this was just any other dual citizenship challenge! This was about an anti-Semitic case brought forward against a family that escaped Nazi Germany and went on to produce Australia's first Jewish Treasurer. It's an absolute outrage.

This is not just my assessment. The ruling of the full bench of the Federal Court, sitting as the Court of Disputed Returns, was unanimous. They made pointed reference to the backdrop of 'catastrophe and anti-Jewish violence and terror' and noted:

The niceties of proof of the production or issue of documents ... can be put aside when one recognises the realities of 1949 ...

The big risk for all of us is that we forget things like the Holocaust. That is why the work that has been done to ensure that these things aren't forgotten is some of the most important work.

I think it is very regrettable that someone who wants to pull the strings in the next parliament at some level, Mr Holmes a Court, has been involved with this outrage. As was said in the *Financial Review* back on 20 February 2020: who was sitting in the Court of Disputed Returns when this disgraceful challenge by Mr Staindl was brought against the Treasurer's eligibility to sit in the parliament? It was Mr Simon Holmes a Court, the founder of Climate 200. You've got to ask yourself: why would he be doing that? Why would he be playing games with Holocaust deniers and weirdos? If he's prepared to do that then what sort of weird and disgraceful behaviour might we see in the next parliament? What might we see if people like this are allowed to purchase, or endeavour to purchase, seats in the next parliament with threadbare agendas and wads of cash?

It is part of the game. If you want to be in public life and you want to try and influence the direction of the country, then people will, rightly, look at your record. This person's record is disgraceful. The people who have been involved with this challenge, which is based on anti-Semitism, are not run-of-the-mill average citizens.

They have been engaged in holocaust denial; they've been writing books about it. These are disgraceful people, and Mr Holmes a Court wants to associate with them. I hope that fair-minded people consider all these facts and consider the people who are standing behind these murky bodies when they cast their ballot later this year in the election.

Morrison Government

South Australia: Higher Education

Senator MARIELLE SMITH (South Australia) (12:25): South Australians are emerging from what has been a really tough summer. For many, the change in the environment in South Australia when borders opened and COVID entered our state either has been personally catastrophic or has caused tremendous challenges for them, for their work, for their families and for their businesses. It has been a really difficult summer, and it's been made worse by a prime minister who, once again, has failed South Australians in the way he's responded to the pandemic and in the way he's responded to the changes before us, such as the changes in this variant—whether it's been his failure to secure enough rapid antigen tests for Australian workers so they can get back to work for their families; his failure to get jabs in the arms of kids returning to the classroom and into the arms of teachers, who weren't yet eligible for boosters but needed them to get back to work in order to do their work safely; or his government's shocking failure to respond adequately to the crisis in our aged-care homes across the country.

South Australians, on all of these fronts, feel deeply let down by the Prime Minister. They feel deeply let down by his government, and I don't blame them. It's been a really tough few years compounded by a really tough summer, and every time they're looking to their Prime Minister to lead, he's not there. He's not holding a hose; he's not getting on with the job of the vaccine rollout; he's not building quarantine facilities; he's not securing the RATs; he's not supporting the early childhood workforce, who are on the front line of this pandemic but who have been seemingly invisible to the government for so long; and he's not taking the steps required to fix a crisis in aged care. In fact, his government is getting caught up in word games whilst people are dying.

South Australians feel failed. They feel let down by this Prime Minister. They're questioning his character. They're questioning his ability to stand up for them when they need him. They're questioning his relationship with the truth. They're questioning whether, when they need their government to step in, the government will be there, because, on every measure this summer and in the years before, they haven't been there. But, beyond these acute issues, which are issues of urgency, there are further failures that are less seen, less talked about and less spoken of, and I want to use my time today to talk about the impact of the Morrison government's failures on the higher education and further education sector in my home state of South Australia—a sector which feels abandoned by the Morrison government.

My state is home to three world-class universities and eight TAFE campuses. There are hundreds of thousands of South Australian men and women, young and old, who have talent and potential to develop but who are being let down by a government which is meant to stand for them and for their opportunities and aspirations. Our universities in South Australia educate around 90,000 students. When it comes to TAFE, more than one million students have learned valuable skills and experience at TAFEs in South Australia since these facilities were established in 1971.

We in South Australia know that higher education is vital to our economic future. We know this because it has been crucial to our success economically as a state, and we know that, according to Universities Australia, university research has added \$10 billion to Australia's GDP each year for the last 30 years.

We're not just talking about big universities in our cities; it's about our regional economies too. We know universities contribute \$2 billion a year to these economies. They support over 14,000 regional jobs and, before COVID, 120,000 direct full-time jobs nationwide, while supporting a broader 40,000 jobs in the wider economy. Before COVID, our higher education institutions in South Australia brought in an estimated 10,000 international students each year with an economic value of \$2 billion in 2019. These students were fundamentally and horrifically let down by the government when the pandemic struck. Students had to line up for food and rely on our charity sector to support them.

Of course, we also have university research to thank for the speedy development of what we know are truly life-saving vaccines that we have come to rely on during this this pandemic. And we have universities to thank for crucial social and cultural ties that bind international students with local students, building relationships and connections which have meaning not just to the individuals involved but to whole communities, whole cities and to our nation.

Of course, higher education is more than university. I've spoken about that in this chamber several times before. As important as universities are, they are not the be-all and end-all aspiration for all South Australians. Further education like TAFE and vocational training present incredible opportunities. But, on these fronts, the government have let down young South Australians, too. TAFE has a critical role to play in advancing the aspirations of many young people in my state—and, indeed, many older people in my state—who are looking to retrain, reskill and be ready to adapt flexibly to the jobs of the future as opportunities in the labour market change.

The government have allowed the pandemic to wreak havoc on our education sector. Rather than supporting it throughout this pandemic, they have been systematically trashing it, as they have done for years. They let their ideology about higher education drive their policy response. It's an ideology they should have left at the door many years ago, but especially during this pandemic when this sector has been crying out for help and when our economy in South Australia—which has so much to gain from a strong higher education sector—has been crying out for help.

The Prime Minister has turned his back on higher education. When you turn your back on higher education, you don't just turn your back on the researchers within it and on the breakthroughs they could make, or on the staff working within it; you also turn your back on the future aspirations of a generation of people, for whom higher education is their ticket to something different and to something they aspire to. How many breakthroughs and how many careers are lost when you stop our young people from furthering their dreams and education, be that at a university or a TAFE?

The government have trashed this sector. They left it high and dry when it came to wage subsidies. Indeed, in my time in this place, they introduced legislation which had the effect of increasing the cost of university for students, taking away that opportunity. The government's failure to support the university sector and the people who seek opportunities and the expansion of their own potential comes at a time when, for young Australians particularly, opportunities are looking pretty bleak. Young people have been disproportionately hit by this pandemic compared to other groups in our community. They have been forced to drain their super to get by. Their disproportionate involvement in casual and insecure work has left them incredibly vulnerable during this pandemic. Other aspects of their dreams have been affected in terms of their coming of age and their year 12 studies, denying them the opportunities that we had. That has been compounded by an ideological attack on the institutions which offer them that next step in delivering on their aspirations. What an incredible failure by the government of a whole generation of people!

The government have failed all those people in our community who want to be ready for a changing economy and be ready for the opportunities created by a renewable energy revolution. They have failed all those who are seeking opportunities in terms of microcredentialing of the skill sets they need to upgrade or adapt. There are nurses who want to change their qualifications so they can get on the front line of this pandemic and who want to upskill in order to re-enter the workforce or to come back from retirement.

These are the institutions that help deliver it, that help deliver the research which keeps us safe from things like global pandemics. They provide an incredible economic opportunity, especially in my state. They forge these cultural ties. They are the ticket to better aspiration for so many people. This Prime Minister has failed them, and in doing so he has failed my state and failed our opportunities in South Australia.

Human Rights

Senator THORPE (Victoria) (12:35): The Morrison government fails at everything it does. Protecting the human rights of imprisoned or detained people is another thing to add to its long list of failures. This country is not complying with its international obligations with the optional protocol to the convention against torture, or OPCAT for short.

On 21 December 2017 the Liberal government ratified OPCAT because of the royal commission into the Don Dale children's prison in the Northern Territory. By ratifying OPCAT we gave a commitment to the world that we would be bound by the treaty to prevent torture and other cruel, inhuman or degrading treatment or punishment. The deadline for this country to fully implement its OPCAT commitments and incorporate the terms of the treaty into the laws, policies and practice of this country was 20 January 2022. Of course, again, the Morrison government failed. They had four years to act, and they failed.

The core obligation this country has in ratifying OPCAT is to establish what's called a national preventive mechanism, or NPM. The NPM is a system of regular visits to places of detention by an independent body that investigates any breaches of the human rights of imprisoned people. Ratification also requires this country to allow the United Nations Committee Against Torture to also visit places of detention and inspect them, to prevent abuses.

When we ratified OPCAT this government invoked article 24 of the convention, which allowed them to postpone their obligations to establish an NPM until January 2022. They argued that postponing the implementation of OPCAT to January 2022 was needed to negotiate with the states and territories. This government never gave a clear

public indication of how they were going to meet the January 2022 deadline, and it wasn't because we didn't try to get answers; I raised these issues in estimates, the Australia OPCAT Network was also on the case, and the Victorian Aboriginal Legal Service and a number of academics had been trying to get an answer from this government about how OPCAT was going to be implemented, and all we got was slogans and nonsense.

The Australian Human Rights Commission, the United Nations subcommittee on prevention of torture and particularly Aboriginal and Torres Strait Islander legal services have made it clear that the Commonwealth government needs to fully implement OPCAT through federal legislation and more public funding. Every state and territory have the responsibility to enact an NPM to oversee police and prison cells, police cars and other closed institutions within their state and territory. To do this, they need national leadership and public funding; it's as simple as that. But, of course, this government has done nothing.

Both Victoria and New South Wales have said the reason they haven't acted faster on OPCAT is that the Commonwealth hasn't provided any leadership or any money.

The Attorney-General's own department has acknowledged publicly that the full, culturally safe implementation of OPCAT would achieve justice targets 10 and 11 of the Closing the Gap agreement. Remember Closing the Gap? You wave the Closing the Gap flag but forget about getting rid of any torturous behaviours within Closing the Gap targets. We wouldn't want to stop the torture! These targets in Closing the Gap are meant to reduce how many First Nations people are held in adult and children's jails. But, of course, the government have done nothing. They know there have been over 500 Aboriginal deaths in custody since the royal commission, and we still have no answers from the government. We still have no-one being held accountable and we still don't have a system to prevent torture and abuse in prison. We allow it.

In 2017, both the National Children's Commissioner and the Attorney-General acknowledged that, if a fully implemented OPCAT system had been in place, the horrific treatment uncovered at Don Dale would likely not have ever happened. In 2018, the Prime Minister announced the aged-care royal commission. He reflected on the closing of the Oakden facility in South Australia as the catalyst for the inquiry. He added that chief psychiatrist Dr Aaron Groves said OPCAT inspections could have prevented Oakden mistreatment. What do you know? We all know how much this government prioritises aged care!

It is absolutely unbelievable that I am standing here today asking—in fact, I'm begging—for this government to do the right thing and end torture. Just end torture in this country. End the mistreatment that goes on in these prisons and other places of detention. How is it that we have to beg the government to stamp out torture? Please stop torturing people in this country. Please!

This government doesn't care about us. It does not care about you. That's why it has to go. Implementing OPCAT is about protecting all people. OPCAT is about protecting people whose equal worth, rights and dignity are being challenged or denied. Implementing OPCAT is also about giving people who see these injustices the tools to get together and fight them. The full implementation of OPCAT would provide all of us—young and old, rich and poor—the tools to demand we are treated as equals in our society, particularly in closed settings like prisons, where abuse and torture flourish when there is no oversight.

While this country signed on to the international agreement to prevent torture in 2009, it wasn't until the disgrace of Don Dale that this country ratified it in December 2017. Fast forward to 2022 and this government is still denying imprisoned and detained people their full dignity, respect and justice. That is why they have to go.

The Greens, in a balance of power, would make sure that a future Labor government would live up to our international obligations under OPCAT. The Greens would make sure that public funding is secured for the full, culturally safe implementation of OPCAT. We would also establish a countrywide police ombudsman system. The police ombudsman would be a fully independent and impartial body to handle complaints about the conduct of police officers and take appropriate action. Is that too much to ask? Please end torture! Please!

Women's Health, Safety and Security

Senator HUGHES (New South Wales) (12:45): Over the past year there's been a lot of significant discussion and debate around women: how women are treated, how they're paid, how they're educated, how we better equip them when it comes to consent—accepting what's appropriate behaviour and rejecting what's not. There have been recent discussions about love bombing and the dangers that come with it—how to see red flags, how to be confident in dealing with them and how to walk away from destructive and dangerous situations. However, when you think about all the work that's been done and the discussion, you see that for far too long the discussion has been accompanied by an intellectually bereft and insulting discussion: Labor good, Liberal bad. Liberal women are somehow just here to make up the numbers. As I've recently been told, I'm 'just making the sandwiches for the Morrison boys'. My conservative colleagues, in particular Senator Hume and Senator Henderson, and I are nothing

but 'crumb maidens', a term I actually had to look up. It is deeply misogynistic, and it is used by the Left, both men and women, to attack conservative women.

So I thought today would be an important day to set the record straight. I'm going to let you know who has actually invested in women's health, safety and security and who talks a big game but has never ever walked the walk. I urge those of you interested in facts—not smears, political pointscoring or self-promotion—to watch this speech today, not those that are soaked in personal animosity. I'll start by acknowledging that Labor did put in place the first action plan of the current national plan, with an investment of \$86 million. Whilst those on the Left will cheer this investment and claim that Labor is committed to this issue, in reality this paltry amount pales in comparison to the \$3.4 billion in the Women's Budget Statement 2021-22. That's right: \$86 million from Labor to \$3.4 billion from the coalition.

But the Morrison government is not only putting real money where its mouth is. For the first time in parliamentary history, the government is demonstrating leadership and action in its commitment to improving the lives of Australian women, with four ministers now in this space. We acknowledge that a Minister for Women is simply not enough, so the Prime Minister has appointed additional ministers: a Minister for Women's Safety, a Minister for Women's Economic Security and an Assistant Minister for Women.

We acknowledge that too many people in this country, particularly women, experience domestic violence. We lose too many women each and every week at the hands of their partner. Whilst those opposite like to talk a big game, what we do know is that they have absolutely no policy ideas and have committed no funding whatsoever to prevention in this area. We on this side of the chamber know the importance of providing support to women and children who experience domestic violence, and I'm going to go through some of those things later on, but we know that what's more important is changing the culture, changing the conversation, so violence against women, including domestic violence, doesn't occur in the first place. The success of our Stop it at the Start campaign is changing not only attitudes but lives. More than \$50 million has been spent on changing attitudes around respect. It's a campaign encouraging more respectful relationships that is recognised by three in five adults. These campaigns are working. In anyone's mind, three out of five adults—60 per cent recognition of a campaign—is success.

We know that by changing attitudes we change lives and address the violence towards women before it even begins.

But we know that there's lots more to do. That's why we're determined to continue to deliver for Australian women and their families. So I want to go through a couple of programs; I may have to come back for the adjournment debate, because I think that, once you start to go through them, you'll see how many programs we have actually put together, funded and initiated to support women across a vast range of areas.

We have the next national plan to end violence against women—as I said, \$3.4 billion in the last budget statement. We have a new National Partnership Agreement, which is up to \$260 million, to bolster frontline family, domestic and sexual violence services. We have an escaping violence payment, with a budget of almost \$165 million, to help women who need to leave a violent relationship. We have funded a 24/7 hotline, in 1800RESPECT. We've provided 780 safe places for women and children to seek safety when they're leaving a domestic violence situation. We have frontline services, with \$130 million, to provide urgent assistance to states and territories when they need assistance in stepping up. We have over \$400 million allocated to legal services to help women get out of these relationships. There's the Roadmap for Respect, obviously, and Stop it at the Start, but there is more than 64 million additional dollars going into the government's road map, which is about preventing sexual harassment in Australian workplaces. We want the *Respect@Work* report and the recommendations in there to guide how we create safer workplaces for everybody.

We have another action plan, with \$340 million, that will help to reduce violence against women and children, but we're also focused on their economic security. We know a lot of women can't leave because of the economic constraints that are put on them by a partner in that form of abuse. That statement around economic security is \$1.9 billion. This is real money. Again, \$86 million was what the Labor Party put in. We've put in \$1.9 billion for economic security, something that no-one opposite has ever considered to be an issue. But I guess that, when you're just getting paid by the unions, you don't have to think about how real women need funding and support to get out of destructive relationships. We have childcare subsidies that we've boosted to ensure women can look after their children when they have to get out of these relationships.

We have the Boosting Female Founders Initiative, which ensures that women who have an entrepreneurial spirit are able to access that and get support. We have the National Careers Institute Partnership Grants program, with over \$12 million. We have an Early Stage Social Enterprise Foundation—\$13.9 million. We have the Career Revive program, because we know that women take career breaks when they have children, and sometimes they need

assistance to re-enter the workforce. We've also assisted with mediation, so that they can get help when it comes to distributing property between divorcing or separating partners.

We have a superannuation guarantee threshold. We've removed the \$400-per-month threshold so that employees don't have to pay the superannuation guarantee. We have a family home guarantee—and this is one of my favourite initiatives—that allows single mothers to purchase a home with just a two per cent deposit. The government will guarantee the rest. We know that homeownership is one of the safest ways to ensure that this increasing rate of homelessness in women over 50 doesn't continue, so we are committed to ensuring that as many women as possible—in particular, single mothers—get that support to get back into the housing market.

We have economic security statements and reporting frameworks all based around supporting women. We have leadership and development programs, the Academy for Enterprising Girls and National Women's Alliances, to help create policy that supports women into the future. There are also Indigenous girls academies. And we're boosting the next generation of women by supporting them into STEM. Girls are continuing to exceed and excel in the environment of STEM, and we are providing up to 500 industry-based co-funded university scholarships—not only for girls that are finishing school but also for women who are looking to retrain and to re-enter the workforce. We've got women in sport; we've put \$12 million into Football Australia.

We're significantly working on lowering the gender pay gap. We've addressed gender balance on Australian boards. As for the coalition and women in parliament, we have eight women, who hold 33 per cent of cabinet positions. This is actually the highest number of women in cabinet ever.

So, with all of this that we hear about the Morrison government somehow being bad for women, you guys just don't get it. I'm a little bit over it, because, on top of that, we are investing so much in health.

Again, I'm probably going to have to come back at adjournment because I cannot possibly go through every initiative that Minister Hunt has funded, but I do want to give him a particular shoutout for the \$2 million that went to ovarian cancer today, as we acknowledge Ovarian Cancer Month. It's a cancer that is insidious, that takes far too many women and that is almost impossible to detect until it's too late. This is real money, real investment, real support for women.

COVID-19: Education

Senator O'NEILL (New South Wales) (12:55): It's stating the obvious to note that COVID-19 has up-ended our lives in ways that we never, ever dreamed possible. The wearing of masks, lockdowns and border closures have ensured that lives have been saved, but they have fundamentally changed the way we act, and we struggle with that. It's a containment of the way we've come to know how we live. But, when we think of the struggles we have as adults here with considerable agency, senators in a parliament, no-one has been more impacted, if you think about the comparison, than school-age children.

The Secretary-General of the United Nations observed that around 1.6 billion students have had their studies interrupted by the pandemic and that over 100 million additional children will fall below the minimum proficiency level in reading. We could have a conference to discuss what the social and economic impacts of that will be. We could be here for days talking about that and planning a response to it. But let's just for a moment allow the scale of that interruption to 100 million children and 1.6 billion who've been interrupted in their learning to sink in. It's an enormous number of young people, with a profound and compounding impact on the future for those individuals and on our shared socioeconomic future on this planet we call home.

The World Economic Forum has warned that today's students risk losing \$17 trillion in earnings because of these disruptions. Inequalities in access to remote learning and at-home support are driving the diminishing outcomes. The continuing onslaught of new variants of COVID-19 are disrupting the forward-planning capacity of schools, local governments and parents, who are desperate for some stability to plan ahead for their children. UNESCO figures show that countries such as Brazil, India, Bolivia and here in the Asia-Pacific region with our neighbour Indonesia, with the way they are existing and managing COVID, have been forced to close schools for over 75 weeks since the pandemic began. Learning poverty, the World Bank reports, has risen 20 per cent in low- to middle-income countries to a staggering 70 per cent. That means over two-thirds of 10-year-olds in these countries are unable to read a basic test. These stark figures are only getting worse as the COVID crisis continues.

COVID is also exacerbating already existing fault lines in global education. Girls, those from low socioeconomic backgrounds and those in rural and remote areas are falling further and further behind, erasing hard-fought success that took decades. In just a few years we've lost so much. Fears exist—and, sadly, they are being realised—that those who have fallen out of school will not return. They have left school, never to return, not by choice, not to their advantage but because of COVID and the crisis that it has engendered. Remote learning is an option for some. Zoom is impossible though for millions of children who live without access to internet or electricity.

Many parents would be reluctant to send their children into crowded schools in some countries, where vaccination rates remain below 15 per cent. The figures we are talking about here are truly alarming.

To that end, Australia must take its place as an international citizen and participant. We need to support health efforts to ensure that students are able to access education in a safe and accessible manner. Greater support for remote learning must be provided. Rapid antigen tests, masks, vaccinations—all these things will help children access the education that they so desperately need. Not having them poses considerable risk to children's lives. Governments, especially those with more wealth and more resources and less of a COVID burden, must do more than attend to their own nations. As an Australian, I know that we have a vital role to play in our region to support the health, wellbeing and education of young people in schools in this part of the world.

Certainly, we have our own concerns about our families, our businesses, our jobs, the way we are perceived and considered, our community and our health. Sometimes these everyday and immediate concerns that sit with us can overwhelm us. It's essential to address these challenges, but it's not enough. Governments must not stop there. We have international responsibilities. Australia can step up to help other countries. We do and we have done, and we will continue to do so under governments of every colour. Most recently, the Global Partnership for Education replenishment is one important way that Australia has stepped up to the plate, but other multilateral aid efforts must also be undertaken to ensure that the global divides are not widened by the pandemic.

My fellow senators and members of the parliament who, with me, have become members of the Australian chapter of the International Parliamentary Network for Education have already done fantastic work lobbying Marise Payne, our foreign minister, to make a commitment to the global education fund on behalf of the Australian nation. With the efforts of senators from the Liberal and National parties—those who are in government—my fellow Labor senators, senators of the Greens party—which you represent, Acting Deputy President Faruqi—and Independents, we have helped make the government firm in its commitment. But the problem is of such a scale that we cannot look away, and we cannot resile from further action. Preparation for the future and the strengthening of existing health education infrastructure has to be put in place.

Vaccine discrimination must end, and we must start sharing the technology that works with our neighbours and friends across the world so that no child is left behind. Wave after wave of the COVID virus threat is likely if we do not acknowledge the simple reality that the virus knows no sovereign boundaries. We've got to sort this out together at a global level. Every country has a stake in this, and all adults are responsible for the lives of the young. The United Nations' Sustainable Development Goal 4 is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Despite disruptions, despite waves of disease and disenchantment, we must always be focused on the future embodied by our children—all of our children, everywhere. It takes political will to give kids a chance so that we might all benefit.

The International Day of Education was on 24 January. It was a chance at that time—and that's why I'm taking this opportunity today to put it on the record—for the examination of our own policies and how our aid and investment in other countries in our region might have the best possible impact. There's currently a clash of ideas globally regarding whether liberty or freedom of expression is the best model for human development and whether we need to go down a path of more repression, less expression and more autocracy.

But, if we don't allow all those young boys and girls who need education to reach their full potential, to enable them to open their minds through the wonder of learning and explore the universe on their own terms, humanity will never enter a new, better age.

It does take the right teacher, the right classroom and the right tools. Teachers transform lives. That's why we invest in public education. It is a national asset, and it is a right for children. I thank my colleagues in the International Parliamentary Network for Education here and around the world. Everywhere, we must work together to get closer to SDG 4 to improve the life of the— *(Time expired)*

Australian Democracy

Senator ROBERTS (Queensland) (13:05): I speak as a servant to the people of Queensland and Australia. It's now seven months since I delivered a speech reminding senators and people listening at home of the significance of our flag, a flag that flies proudly above our parliament on a strong support that stands equally above the Senate and the House of Representatives, reminding all of us, in both chambers, that we serve the people. We do not serve large, globalist banking corporations; we do not serve trade union bosses, who are often a business of their own these days, devoid of relevance to union members; and we certainly do not serve large foreign multinational pharmaceutical companies. For seven months, I have been ending my speeches with the reminder that we have one flag, we are one community and we are one nation. In this time of great division in our beautiful country, it is becoming harder and harder to live up to the principle that we are one nation. We must put aside division and accept competing viewpoints.

On Monday, I went outside to address a group of everyday Australians who have come to Canberra to protest the policies of this parliament. They quite rightly expected to be able to speak to their elected representatives to share their concerns, and so I did my job and I spoke with them. The results were, to be honest, mixed. I heard many different opinions and I saw many different flags. It's obvious to me that there are some—a very, very small minority—who are misleading and inflaming opinion to gain power for themselves. One Nation will continue to take positions that are based on facts and data, not fabricated, false internet myths. If those of us who oppose tyranny are unable to unite among ourselves, how can we win public opinion? And win we must.

It has been said that 200 years ago a judge by the name of Lord Woodhouselee made an astute observation: 'A democracy cannot exist as a permanent form of government. It can only exist until the majority discovers it can vote itself largesse out of the public treasury. After that, the majority votes for the candidate promising the most benefits, with the result that democracy collapses, because loose fiscal policy is always followed by dictatorship.' For many years, I considered that human nature acts out of self-interest, not just for oneself but for those we love—our family and community, our species. Willingly imposing a dictatorship on those we love seemed contrary to human nature. Surely, I thought, there would be a point where the public would realise, 'We are on a path to dictatorship,' and change direction. Well, we're already being controlled. To change our direction, we must be unified. We must be tolerant and forgiving. Our future is not one of retribution, anger and hate. Our future must be unity, forgiveness—and I mean true forgiveness—love and strength. These are the qualities that create a community.

Those assembled outside today have reached their point of awareness. The millions who've attended freedom rallies around Australia have reached their point of awareness. Sadly, this parliament has not. I have never been more nervous for the future of this beautiful country than I am right now. It's clear that we may be approaching the end days of democracy, as predicted 200 years ago—not from the peaceful, respectful, loving protesters but from this parliament and from state parliaments. We're witnessing the controlled demolition of not just our treasury and our democracy but our community. We're on a path to a soft dictatorship 'for our own good'. Nothing about this is for our own good.

Our grandparents enjoyed abundance, freedom and personal sovereignty. These things do not feature in the conversation being advanced by this parliament. Husband has been turned against wife, parent against child and one sibling against another. Our young are being seduced into a world of selfish hedonism that begets apathy towards family and community.

Women are being erased, replaced with offensive language such as 'uterus owner' and 'birthing parent', forced to compete against biological men to make clear the new debased status afforded them by the brave new world of globalist groupthink. This is evil. Government dependence is treated as a right, as though it were somehow noble to live off the hard work of others. We're being led into a world where the middle class no longer exists, only a financial elite and their nomenclatura, a pampered and privileged administrative class tasked with carrying out the instructions of the globalists, the elites. High-paid corporate and diplomatic 'thankyou jobs' are clearly on offer to politicians who've expended their political capital to implement globalism.

Meanwhile, everyday Australians have no such escape. Life for so many, including those I met on Monday out front, means working harder and going backwards. During COVID, the world's richest billionaires have seen their wealth increase by \$3 trillion while the wealth of citizens has gone backwards by the same amount—stolen; it was robbery. COVID has represented the largest transfer of wealth in human history—nakedly. Everyday Australians have less while billionaires have plenty more.

This parliament is responsible for destroying the Australian economy, destroying small business, destroying lives and destroying hope. The media, major global pharmaceutical companies, globalist banks, political donors and health bureaucrats have the same owners—BlackRock, Vanguard and State Street Corporation, amongst others. These funds invest the wealth of the world's richest crony capitalists and now control wealth equal to one-third of the world's gross domestic product, US\$25 trillion. In Australia, this wealth has been invested to create controlling interests in Australia's largest companies—retailers, banks, media and pharmaceutical companies. As a result, crony capitalists now control our country. And parliament and government serve their interests; they don't serve the people. Under this parliament, awaiting everyday Australians is a future that's nothing more than 18th-century feudalism with a public relations budget.

What never gets mentioned is that democracy is not part of the so-called great reset. What awaits is something the UN calls stakeholder governance. Unelected, unrepresentative corporations and their nomenclatura will decide how we live our lives. Parliament will be reduced to debating and passing resolutions that have no legal standing, and this is exactly how the European Parliament works right now. The EU parliament is analogous to putting a plastic steering wheel on the back of the driver's seat of the family car so your children think they're driving. This is our future under the globalist philosophy that now dictates the actions of the Liberals, the Nationals, the Greens and Labor. We the people are not in control. We are deluded into feeling we're in control.

When it comes to COVID, there's no sitting this one out. Recent events have made it clear everyday Australians do not have to be interested in politics for politics to be interested in them. During COVID, small businesses who carried on running their business the way they always have—serving their communities, not discriminating on the basis of race, religion or medical status—are under COVID restrictions, COVID measures. They're being sent broke, their owners fined or, worse, arrested. Politics came for them.

Shortly, Australians must decide. Do you remain prisoners in your cities, states and, now, quarantine camps? Do you remain prisoners of media driven fear, or do we forge a path of freedom born of personal responsibility and inclusion? Inclusion—it's ironic how that word has been reinvented to mean the majority accepting the viewpoint of a small and noisy minority as a device to move society further and further towards a single world view. Senator Chisholm from the Labor Party moved a motion in support of doing exactly that only yesterday. With his matter of urgency, Senator Chisholm was kind enough to show us where Labor, the once proud ALP, would take Australia. For public order, the senator said, dissent must be suppressed. The world view which our parliament now advances has the fundamental assumption that people cannot be trusted to behave in the best interests of their community and so must be treated as convicts—not as citizens—robbed of free choice and, implicit in that, robbed of freedom itself. Freedom is written in inverted commas by our media, who are promoting an agenda of hatred and division on behalf of their billionaire owners. The ABC are compliant because totalitarianism excites the political Left. Tyranny and socialism go together like the words 'rare' and 'side effects'—inseparable, relentless, evil.

Christmas, Easter, Australia Day and Anzac Day—and let's not forget Father's Day—had to be extinguished because they offer a chance to renew the bonds that unite us as a family, as a community and as a nation.

The time for people to trust the government is over. It's now time for the government to trust the people. This, the people's house of parliament, must stand in defence of the values that forged this country. The war on family, on community and on Christianity must end in this sitting, for we will be convicts no more. We have one flag, we are one community and we are one nation.

Ukraine

Senator VAN (Victoria) (13:15): I rise to speak on a matter that is of urgent geopolitical concern to Australia and should be to all Australians. The current build-up of over 100,000 troops along the Ukrainian border is the biggest concentration of firepower in eastern Europe since the Cold War. This inherently threatens to destabilise not only the regional security of that part of the world but also the global geostrategic balance. This is of utmost concern to Australia.

Australian commentary in recent weeks about the increased risk of war between Russia and Ukraine misses the simple fact that the two countries are already at war. Understanding just how big Russia's appetite is to endure any cost of further invasion is a key priority for right now, yet there are substantial divergences amongst NATO members as to what that cost should be. This matters enormously.

Since Russia's annexation of Crimea in 2014, Moscow has consistently undermined Ukrainian sovereignty. Russian actions in the Donbass region, including backing separatist rebels, have created immense instability. Likewise, a multitude of cyberattacks can be linked to Russia, from a cyberstrike against Ukraine's electrical grid in 2015 which disrupted power for millions of people through to a cyberattack earlier this year which brought down multiple government websites. These are just two such examples. The current build-up of Russian troops along the Ukrainian border is just another act of aggression unleashed by Vladimir Putin's Russia.

Europe can no longer pass the buck when it comes to assisting Ukraine. They must stand together. Russian actions and designs for Ukraine are clearly an attempt to intimidate Europe into acquiescing to Moscow's desired regional security environment. A security environment where might is right and the weak suffer is not in Europe's or Australia's interests. The United States should not be doing all the heavy lifting when it comes to standing up to Russia. All allies and partners who have an interest in global peace and stability must be prepared to do what is necessary to ensure conflict is averted. However, this means that NATO states, particularly the European members, must materially step up to the threats facing Ukraine. The United Kingdom is leading the European pack in laying down red lines for Russia, and its leadership should be commended. Spain, Denmark, the Netherlands and the Baltic States have sent Ukraine weapons. France and Germany, however—arguably the two European nations who should be taking a lead on the Ukraine crisis—are unfortunately letting Europe down.

While France has been doing some of the diplomatic heavy lifting, Germany's stance is increasingly looking much more like appeasement. While the ideal solution is a diplomatic one, the reality is that deterrence must be demonstrably credible. Germany's insistence on not providing lethal weapons, sending instead 5,000 helmets and medical equipment, exposes an evident weakness in European unity on Ukraine. Of course, we know Berlin is constrained by its weakness and reliance on Russian gas, and I applaud recent Australian announcements that we

are ready to fill that gap should that occur. I also acknowledge that we are hearing via the White House that Germany is prepared to look at wide-ranging sanctions. It would be better to be hearing that from Berlin.

However, if Germany won't stand up for its neighbours and the ideals of liberal democracy, sovereignty and regional security, Australia should think twice about rewarding it with future defence contracts.

If Europe lets Putin get away with further aggression against Ukraine, a precedent will be set for other authoritarian leaders around the globe. This precedent should worry Australians, especially those standing in this house today. A United States that is bogged down in Europe will have serious implications for our own backyard, the Indo-Pacific, in what is already a dangerous and highly contested security environment. It means the United States will have less bandwidth in capability to operate and deter malicious actors in the Indo-Pacific. This opportunity could very much allow China's Xi Jinping to place further pressure on the region's shared vision of being free, open and stable. However, this should come as no surprise. Over the past decade we have watched China become increasingly more assertive and increasingly more willing to use its weight against states who dare to disagree.

If Europe does not stand up to Russia and Ukraine, a clear message will be delivered to China on the question of strategic ambiguity over Taiwan, the message being that the West does not have the strength or the will to defend smaller liberal democracies and that if you push hard enough the West will capitulate. This is a message that we simply cannot endorse. President Xi has made it clear that in his lifetime Taiwan will be incorporated into mainland China. He will therefore be watching with a close eye as to how the West responds to Putin's latest acts of aggression.

If European states do not step up in the Ukrainian crisis and the United States becomes drawn into protracted conflict in Ukraine, those nations with national interest in the Indo-Pacific must be ready to step up with an increased physical presence in the region—this includes our allies and partners such as Japan, the UK, Korea, India and others—to ensure our region and backyard remain stable, regardless of the situation in Europe. In fact, if France and Germany are not going to defend Ukraine, they should at least be prepared to defend their interests in this region, which they talk so much about.

Russia has watched China apply a dangerous strategy of incrementalism, with accumulated gains in the region over the last decade, particularly in the South China Sea. As an international community we must recognise that this strategy will not just disappear. The question isn't if Russia will make a further move on Ukraine, but when. All countries who believe in peace must be prepared to back Ukraine in any way they can, but Europe ought to step up most. If not, European countries need to be prepared to answer to their children and grandchildren as to why not.

Here in Australia we have experienced firsthand the pressures of an overbearing, authoritarian government that has attempted to coerce us and force its will upon our people. This government has rightly stood up to these coercive acts in the name of protecting the ideals we value most. All countries who believe in peace must be prepared to back Ukraine in any way they can, particularly through economic sanctions. However, all NATO countries must show the greatest resolve and provide military support. If they don't, they need to be prepared to answer to history as to why they appeased Putin.

As chair of the parliamentary friends of Ukraine group, I have a deep appreciation for the Ukrainian people and I admire the strength and resolve they have displayed as a nation in recent times. This is not the first time that liberal democracies have been challenged to stand up for their values and it will not be the last. But how we act today and how we respond to the threat we currently face can and will have repercussions for the future.

Russia must immediately de-escalate. However, if Putin proves unwilling to do so, the free world's support for Ukraine's sovereign integrity must be unwavering. Now is the time for all nations who profess a love for the democratic institutions we hold so dearly to our hearts to stand with Ukraine for what is not only a just cause but also a cause that can and will shape our geostrategic environment.

Pacific Labour Scheme

Senator SHELDON (New South Wales) (13:24): Two years ago the Prime Minister said slavery never happened in Australia. Apparently, he's never heard of blackbirding in the 19th century. The truth is that blackbirding did happen, and it is still happening today. Last week, five courageous men from Vanuatu and Samoa, who were working on Australian farms on temporary visas, gave evidence to the Senate job security inquiry. The conditions of work they described are barely any better than in the 19th century.

Sergio came to Mildura from Vanuatu to pick grapes under the government's Pacific Labour Scheme. He was told he would be paid \$2.50 for each box of grapes he picked. Sergio picks about 110 boxes on a good day, so \$275 per day should have been the payment. But, at the end of the week, Sergio looks at his pay slip, and he has been paid \$100 for a week of backbreaking labour—\$100.

Aleki came to Warburton from Samoa under the government's Pacific Labour Scheme. He came here to earn enough money to support his parents, his wife and his eight children back in Samoa. He was told he would earn \$25.41 an hour and work from Monday to Friday, so he could attend church on Sunday. Aleki and his colleagues worked just one day for that \$25.41-per-hour rate, and then their employer told them that the contract was changing: instead Aleki would be getting paid \$7 per tray of berries. Then that rate was reduced again and again and again. There was just nothing he could do about it. Aleki told us: 'We are being threatened. We're being told not to speak up.'

Talipope also came to Warburton from Samoa. He is in the same situation as Aleki. He and three others share one small, hot room. This is the only place they can go after work. Last year, some of them tested positive for COVID-19. They had to isolate in their room for 10 days together, in a small, cramped space. All they were given to survive on was four packets of instant noodles, six potatoes, one loaf of bread, one bottle of juice and a few bits of fruit. This is what four grown men with COVID-19 were told to survive on for 10 days.

I've also seen Talipope's pay slips and time sheets. They show that, in some weeks, Talipope worked 64 hours over seven days, with no days off—not even for Sunday church. For those 64 hours, he was paid just \$100, because Talipope, like the other workers we heard from, is having hundreds of dollars of deductions taken from his pay every week. Workers have been charged hundreds of dollars to stay in slum accommodation, with four to six people to a room. They are being overcharged to ride in their employer's van to get to the farm. The labour hire company skims 80 per cent of their pay slip for all sorts of expenses—80 per cent. Thousands of people like Sergio, Aleki and Talipope are left with almost nothing. They can barely support themselves financially, let alone send any money home for their families.

It is a national disgrace. The government knows about it. We've had enough inquiries, task forces and reports. The company I've spoken about today is an approved employer, and it has a big tick from DFAT. All of this is happening in plain sight. Rather than fix it, the government has introduced a new ag visa that Minister Littleproud has said will be even less regulated than the Pacific Labour Scheme, which I've talked about today. The message from the government is that anything goes on Australian farms. Here's what Sergio told us: 'I came here to work for money. I did not come here as a slave.' The government has to act. It has a responsibility to act, and it's about time it acted.

STATEMENTS

Northern Territory: Youth Services

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (13:30): The Mayor of Alice Springs recently wrote an impassioned letter to me and others in this place asking for assistance dealing with high levels of crime and antisocial behaviour. At the same time, youth services in the region are calling for a clear plan and proper funding to address high levels of youth incarceration and crime. The two issues are clearly and directly linked.

On 1 February, a group of youth services providers wrote to the Minister for Indigenous Australians, highlighting their concerns about the lack of support and investment in remote community youth services in the southern part of the Territory. It's not the first time they've tried to get this government to listen and act. Since the introduction of the Indigenous Advancement Strategy in 2015, when Commonwealth government cost savings measures cancelled indexation of funding, the remote NT youth programs delivered by their agencies have, effectively, taken an annual cut in funding. They estimate this cut at more than \$8 million. That's a huge amount of money ripped out of a remote region.

As anyone in remote communities will tell you, kids need access to reliable, safe and appropriate activities to keep them occupied and engaged. Yet facilities like recreation halls, sporting facilities and staff housing are crumbling. Many youth centres and town halls are not air-conditioned and don't have working toilets, hand washing facilities or basic food preparation facilities. Many of the mostly uncovered outdoor basketball courts have not been resurfaced in decades. We've seen interventions, royal commissions and regional deals come and go, with tens of millions of dollars spent in the name of fixing things for remote kids, yet this government continues to pass the buck. It should not be easier to jail a child than to give them a basketball court to play on.

Climate 200

Senator HENDERSON (Victoria) (13:32): I rise to raise serious concerns about the so-called 'Voices of independent movement, funded by the big end of town, including Simon Holmes a Court's Climate 200 group, which is nothing more than a front for Labor and the Greens. When I dared to challenge Mr Holmes a Court over his disgraceful and offensive support of the failed section 44 challenge against the Treasurer founded on anti-Semitism, suggesting he may wish to pay the legal costs in Michael Staindl's failed court challenge, I was met with

claims that I was some sort of 'crumb maiden'—that I was only here to pick up the crumbs of power, which apparently is what that means. This is sexist, denigrating and a clear case of misogyny.

Climate 200's website says it wants to raise at least \$15 million to \$20 million for its 'independent' candidates. The website also refers to community groups which have formed to support pro climate, pro integrity and pro gender equality independents. There's nothing 'pro'—particularly nothing pro gender equality—about Mr Holmes a Court. He has a history of making offensive and disrespectful comments towards conservative women. He spoke of Senator Hume, accusing her of bitchiness and of not having a soul.

I wrote to a number of independent candidates in Kooyong, Wentworth, Mackellar, Goldstein, Curtin and North Sydney, asking whether, in light of these offensive comments, they would condemn Mr Holmes a Court, confirm that they support the respectful treatment of all women and confirm whether they would take any money from Mr Holmes a Court's Climate 200 group. Regrettably, there was absolutely no response from any of these so-called independent candidates, which says everything that electors need to know about their commitment to respect for all women.

Oil and Gas Exploration

Senator WHISH-WILSON (Tasmania) (13:34): Something significant happened in this nation on 16 December last year. Prime Minister Scott Morrison visited Newcastle and formally declared opposition to a fossil fuel project called petroleum exploration permit 11, or PEP-11, which was going to explore for oil and gas off the coast of Newcastle all the way down to the northern Sydney beaches.

Of course, the community were absolutely stoked about this. They have been campaigning against this madness for years. But it is unclear whether this is actually the case. I just want to put on the record that we've received some advice. While the Prime Minister came out and made this statement that this project would no longer proceed and that he would be directing this, we have confirmed that NOPTA, the regulator, did in fact let Asset Energy, the company that was exploring for oil and gas, know that it would not be renewing their permit but that Asset Energy is now appealing this decision. The decision is on the desk of the resources minister, Keith Pitt. Our advice is that it's unclear when that new advice will be provided to Asset Energy or when the decision on its appeal will be made. I would also like to put on record today the community's concern that the Prime Minister has come out and made such a big a statement but there's no clarity on whether we actually have a final decision and whether PEP-11, petroleum exploration permit 11, is dead in the water.

I will say this while I am here today: while it's great for a number of marginal seats on the New South Wales coast that we've banned the insanity of exploring for oil and gas off that coast, let's do it for the Otway Basin off the Twelve Apostles. Let's do it off King Island, a valuable fishing community. Let's do it around the entire country.

COVID-19: Aged Care

Senator BILYK (Tasmania) (13:36): I understand that ministers are busy and they have to juggle competing pressures. It's part of the job. It's what they're paid for, in fact. But many Australian workers have faced the pressures of a busy and demanding job, particularly those in the aged-care sector and especially during the COVID-19 outbreak. Thank you to all of them. When the Minister for Senior Australians and Aged Care Services, Senator Colbeck, was asked to appear before the 14 January hearing of the Senate COVID committee he declined, citing 'urgent and critical work combating omicron'. I was horrified to learn that Minister Colbeck declared that he received 'sponsored travel and hospitality to attend three days of the cricket in Hobart'. I'm sure he was fed and probably watered—to be polite—which is a lot more than some of our aged-care residents have been able to be recently. It's completely unacceptable that a minister in this government who is overseeing an ongoing crisis in aged care, where people are dying, chose to go to the cricket for three days instead of fronting up to do his job, especially when the committee had only asked for him for two hours and 45 minutes. He could have participated remotely.

Our aged-care workers are doing phenomenal work under extremely trying conditions. We need to remember the aged-care sector was in crisis before COVID even hit. There has been almost nine years of disgraceful neglect of some of our most vulnerable people, but Mr Morrison and Senator Colbeck have not learned from the terrible mistakes that happened in aged care because of their own incompetence and funding cuts. When Minister Colbeck finally fronted the committee, he still denied there was a crisis. We've had 22 reports concluding the sector is in crisis as well as a two-year royal commission which found that the average—*(Time expired)*

Environment

Senator ROBERTS (Queensland) (13:38): The Greens, Labor, the Liberals and their sell-out sidekicks the Nationals, the uniparty, as I call them, like to talk about sustainability, as though it's the environment that needs to be sustained instead of human beings. The real lesson in applying sustainability can be found, though, in Australian family farms. Providing food to feed the hungry and clothing to warm the cold, Australian farmers are heroes for

the positive effect they've had on the sustainability of our entire human race. Their farms have been productive for, in many cases, 150 years. Their soil is most likely healthier now than ever before. Our farmers care about their land. It's their livelihood and their future. The role of family farming became clear during the recent drought, which, mercifully, has now ended in most places.

Irrigation canals lose water to seepage, which recharges groundwater. Native trees get roots down into that groundwater and survive the drought. Rural Australia is resplendent with ribbons of native habitat along thousands of kilometres of irrigation canals, home to a wonderful cornucopia of native flora and fauna which would have perished without that irrigation water.

The average Australian dairy farm supports 40 species of native creatures. Where there is as little as one hectare of native bush on a farm, this increases to over 100 species.

Yet, where farms are being denied water, their families are being driven off their land and the farms turn into wasteland—a breeding ground for pests and imported weeds, devoid of the ecosystem that happy-clappy environmentalists pretend will return.

When the government pokes its bureaucratic bloated nose where it does not belong, in the name of so-called sustainability, it's a disaster. Family farms cease to exist. Diversity in the rural economy shrinks. The environment is worse, not better. Still, Labor, the Greens, the Liberal Party and the National Party push ahead. This is not sustainability of the environment; it's sustainability of rank stupidity and callous indifference towards the masses of everyday Australians. This madness must end. (*Time expired*)

Ledwidge, Mr Mark

Senator SCARR (Queensland) (13:40): [by video link] On Australia Day I was honoured to attend a citizenship ceremony hosted by Archerfield Rotary Club. It was followed by a wonderful Australia Day family funfair. At the ceremony I said to the conferees that, if they were looking for examples of contributing to our beautiful country, they need look no further than members of the Archerfield Rotary Club. I have previously spoken in this place about the work of the club, including drought relief and assisting our Pacific family in times of need.

This week, one of the club's members, Mark Ledwidge, passed away. Mark had become an Australian citizen at the first citizenship ceremony convened by Archerfield Rotary Club, in 2006. For 26 years and 10 months he had been an outstanding contributor to the club, serving as president, secretary and treasurer. Mark Ledwidge was a Paul Harris Fellow—a great honour amongst Rotarians. He was involved in all of the projects undertaken by Archerfield Rotary Club—not just in Australia but in Fiji, PNG, India and Africa. Members of the club described him thus: 'Mark was such a kind, gentle soul. He did many things to improve the lives of those less fortunate. Such a dedicated man, the man with a smile and sense of humour always, the kindest soul who never spoke ill of anyone.'

I wish to provide my sincere condolences to Mark's wife, Brenda, his three sons and other family and friends. I have no doubt that Archerfield Rotary Club will continue its great community work. That is the best tribute which can be paid to Mark Ledwidge, whose life of service provides an inspiring example to all Australians.

Industry Research Grants

Senator GRIFF (South Australia) (13:42): The Prime Minister recently announced more funding for industry linked research, including hundreds of new industry PhDs and fellowships. This is a welcome commitment. Australia is blessed with world-class universities. Their research is the great enabler of economic growth. It yields new ideas and technologies that improve our lives and offer the prospect of safer, higher-paying and more-satisfying jobs. It has been frustrating, through the term of this government, to see research underrated and very much underfunded and to see the government's constant interference in research grants.

I accept that our funding processes are not perfect. For instance, we waste too much public money. But, while the government sees waste in projects it thinks are pointless, I see waste in how much time our researchers, our best and brightest, spend on grant applications. Some studies have found that up to 40 per cent of a researcher's time goes into doing applications instead of doing the research we have trained them to do. That's two days a week wasted. The government could significantly increase our research capacity by reforming the application process and progress or by even introducing a lottery.

Another problem is that, while public money is increasingly channelled into commercial and industry research, too little is spent on basic research and knowledge diffusion. Without basic research, there is nothing for industry research to draw on; and without making research outputs freely available, allowing new ideas to spread, the benefits are captured by one or two big corporates and don't flow through to workers and the broader economy. I welcome the government's announcement but it is a piecemeal, stopgap solution instead of the broader reforms that are urgently needed.

COVID-19: Indigenous Australians

Senator DODSON (Western Australia) (13:44): I wish to draw attention to an excellent paper by the Nulungu Research Institute based at the Broome campus of Notre Dame university. It shows that First Nations people in the Kimberley coped magnificently during the first wave of COVID. Thousands were mobilised, leaving places they deemed to be unsafe. But the researchers had trouble finding good population and infrastructure data, which clearly hampered pandemic planning. I wrote in the foreword to the paper that a government which doesn't know its own backyard is a government that doesn't care. What's clear from the paper is that, while the first wave of COVID didn't infect the Aboriginal communities in the Kimberley, it was a matter of good luck rather than good management. The paper concludes, unsurprisingly, that remote community infrastructure is in disrepair; that communications with government and service agencies are inadequate; and that many families live below the poverty line.

These conditions, ripe for COVID, are as bad today as they were two years ago when COVID first arrived. But, knowing all this, governments have done not enough to work with these communities and agencies to prepare for the next wave, which we know will come. I'm gravely concerned that even our mainstream services in the north are under-resourced. Finally, the concept of living with the virus is a poor option when our communities have serious health problems and known shortfalls in housing and service delivery.

Australia: Sovereign Capability

Senator LAMBIE (Tasmania) (13:46): There's a motion coming up that I'm proposing to amend, and this is the only chance I'll get to explain why. It's a motion to set up a select committee inquiry into Australia's sovereign capability. It's a good issue to look at. I'm proposing to amend it anyway, not to kill it dead, but to make it work. At the moment it doesn't work. It's being asked to run a mile in 10 seconds—that's impossible and it will fail.

I am in favour of an inquiry into our sovereign capability. I like the idea so much that I think we should do it properly! We don't need a select committee for this; most of the time those are a stitch-up. Whoever sets it up, sets it up—that's because whoever sets it up makes the rules. Look who Senator Rennick wants on this committee. There are six spots for senators up for grabs, and he wants the government to get half the spots and One Nation to get the fourth spot. And why wouldn't he? One Nation vote with the Liberals 75 per cent of the time and, right now, One Nation are more likely to vote with the Liberals than half the Liberal Party themselves. That's where we're at. Senator Rennick wants to give government senators and government mates the lion's share of spots for an inquiry into what the government is doing. And he wants to do it in six weeks. He reckons that's all the time it will take. What a rip-off for the nation! When it comes to talking about sovereign capability, you can do it quickly or you can do it right.

We have a standing committee called the FADT—foreign affairs, defence and trade. I'm one of the people on it. We look into things like this all the time. That is our job. That's why I don't support this inquiry. It's not because I don't think it's such an important issue—I think it's damn critical and that we need it. I think it's up there with the most important issues, and we could be looking at it right now. That's why I want a real inquiry, not a stitch-up done at minutes to midnight and stacked to the gills with government cronies and conspiracy theorists. That's what I'm looking at, and that's what the nation deserves.

Climate Change

Senator COX (Western Australia) (13:48): We can all agree that we need a safe future for our children and for our grandchildren and their children. As a mother and a proud First Nations woman, my birthright gives me the responsibility to protect and nurture country with love and care—our Mother Earth.

First Nations people have cared for country since time immemorial. Yet in just over a couple of hundred years—in fact, in the blink of an eye—the legacy of colonisation has pushed us further into a climate emergency. Right now our country is hurting, crying out in pain. The science is clear: every tonne of coal and gas burnt increases the intensity and speed of change in our climate. That means more floods, more intense droughts and heatwaves, and more frequent bushfires, like we're seeing in my home state of Western Australia. Yet Labor, the Liberals and the Nationals continue to vote in favour of planet-destroying fossil fuel projects that we don't need. That's because every year they take millions of dollars in donations from the coal and gas corporations responsible for this destruction. Every day that passes, we fall further behind and the opportunities to make change are made harder.

But it actually does haven't to be this way.

It is the responsibility of every single person in this place to provide a safe future for our children and the generations to come. The answers to the climate crisis are here, right in front of us, and we can protect country. We can and we must push the next government to go further and faster on climate action and to create hundreds of thousands of jobs to pivot to a cleaner and greener resources economy. We can turn this country into a renewable energy superpower that exports clean, cheap, renewable energy instead of coal.

Timor-Leste

Senator PATRICK (South Australia) (13:50): During World War II, 60,000 Timorese died assisting Australian soldiers who were fighting in Timor. After they voted for independence in 1999 and after the great job done by INTERFET in supporting the transition, it was reasonable for them to think that we were their friends, but we weren't. The government of the day and those in DFAT at the time were busy in the background trying to steal Timor's oil and gas—Timor's only real source of money to bring their population out of poverty. Here are some of the things we did.

The Australian government withdrew itself from the maritime boundary jurisdictions of the International Court of Justice and the International Tribunal for the Law of the Sea, forcing the issue to be resolved without an independent umpire. During purportedly good-faith negotiations, Australia spied on Timor-Leste to gain advantage in the negotiations. When Timor-Leste found out about the spying, they sought to have the treaty declared invalid on the basis of fraud. The Australian government responded by raiding the offices of Timor-Leste's lawyer, Bernard Collaery. After Timor launched compulsory conciliation under article 289 of the United Nations Convention on the Law of the Sea, Australia lodged six objections, with the Conciliation Commission dismissing all of them. When a replacement treaty was finally agreed to by government, they immediately sought to prosecute whistleblowers Witness K and Bernard Collaery, the heroes that had called out Australia's abhorrent conduct. This morning it was revealed, because of proceedings I initiated in the AAT, that we started the spying on the Timorese, to steal their resources, before they were even independent.

We need to come clean. We need to be open and transparent to restore Timor's trust and international confidence in Australia. We need to stop the prosecutions. With that, I seek leave to table a translation of a vote of confidence in Mr Collaery conducted recently in the Timor-Leste parliament, to show the Senate and the Australian people that Mr Collaery's continued prosecution is a hindrance to the relationship-healing process.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Is leave granted?

Senator Dean Smith: We accept the translation in good faith and have no objection to accepting that the document be tabled.

Senator PATRICK: I table the document.

South Australia: Floods

Senator GROGAN (South Australia) (13:53): In late January, many parts of remote and regional South Australia received unprecedented and record rainfall, causing widespread flooding across the Eyre Peninsula and throughout the outback. Some areas received up to 200 millimetres of rain, which is the total annual rainfall in that region. It caused severe problems, closing roads, washing away topsoil and damaging infrastructure. A 250-kilometre stretch of the Stuart Highway, between Glendambo and Coober Pedy, was severely damaged, and the rail link from Adelaide to Darwin and to Western Australia was also severed. Homes on the Eyre Peninsula were damaged and destroyed, and motorists had to be rescued from the area between Iron Knob and Kimba.

I would like to take this opportunity to thank the South Australian Police, the CFS, the SES and other first responders for being there when the community needed them most. Thanks also to the men and women of the Australian Defence Force for the key role that they played in keeping our remote and regional communities safe and supplied while they were cut off.

Unfortunately, climate science tells us that we're likely to experience more intense floods and fires over the coming years. The government's own Productivity Commission has found that funding for reconstruction and recovery consumes 97 per cent of the disaster funding in Australia. That leaves just three per cent for mitigation and community resilience measures. That's why an Albanese Labor government will invest up to \$200 million each year in disaster prevention and resilience. We need to plan and protect our communities, not just mop up after disasters that we can plan for and predict.

Women in Sport

Senator THORPE (Victoria) (13:55): We all saw that powerful photo of sisters Cathy Freeman, Evonne Goolagong and Ash Barty together. This country's greatest athletes and the definition of black excellence are such a great inspiration to all young women and girls. However, we can't just celebrate our elite women and gender diverse athletes—we need to pay them. It's a great time for sport in this country. The AFL women's season is underway, and it is unbelievable that there is such a huge gap between the pay that AFLM players and AFLW players take home. How can the league call their elite athletes professional players if a whole lot of them don't even get paid properly?

This season most AFLW player will earn just over \$20,000. Because AFLW players are paid so little, most have to juggle other work just to stay afloat—not to mention that they are also far more likely than their male counterparts

to develop ACL injuries. AFLW is quickly becoming the No. 1 female sport in this country. These incredible athletes must be paid at the highest rate and must be supported into becoming full-time professional athletes with the pay that they deserve. Go AFLW!

Myanmar

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (13:57): On 1 February last year Burma's pathway to democracy was abruptly interrupted by a military coup. Australia has always maintained, publicly and privately, its very serious concerns about the coup. We've done this directly to the regime, in ministerial meetings and embassy statements, at the East Asia Summit and at the United Nations Human Rights Council. By the end of last year there were 65 calls from our foreign minister to international leaders. We've suspended Australia's limited bilateral defence cooperation arrangements and redirected our development assistance away from regime entities. We've contributed \$25 million to the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management. We've provided COVID-19 support to the tune of \$6 million and a further \$4½ million to support other infection-control initiatives. Australia's funded humanitarian partners are working diligently to ease the pain that now is afflicting many Burmese people.

If the *Economist* magazine is to be believed, there's room for optimism. In its most recent edition, it said the National Unity Government has:

... taken pains to show that it is listening to its critics. It is stuffed with young people and ethnic minorities, and says it makes decisions by consensus. It has symbolically repealed the constitution, which was enacted by a previous junta in 2008, and promised to forge a federal state and to grant Rohingyas citizenship ...

as well as to approach these future matters in a conciliatory and inclusive tone. There is much to be optimistic about with regard to Burma, but thus far the ASEAN process has not lived up to expectations. My strong view, having spoken to many Burmese people across our country, is that Australia must maintain its vigilance. Australia must maintain a strong voice in making sure that everything is done to free Burma of this military regime. (*Time expired*)

Budget

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (13:59): I'll just give you a few budget facts from this government. They doubled the debt prior to the pandemic. They racked up \$1 trillion of debt without enough to show for it. They're the second-highest-taxing government in the last 30 years and are now collecting \$4½ thousand more per person than Labor in 2013. They have no credibility on budget management.

The PRESIDENT: It being 2pm, the Senate will now move to questions.

QUESTIONS WITHOUT NOTICE

COVID-19: Aged Care

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Senior Australians and Aged Care Services, Senator Colbeck. An aged-care manager in Victoria who has been forced to work 80-hour weeks due to staff shortages has said:

During our recent outbreak I requested isolation gowns and N95 masks from the national stockpile. Instead, we received latex gloves and hand sanitiser. I laughed, then I went into my office and cried. It's like a bad joke.

More than two years into this pandemic, why is the Morrison-Joyce government still failing aged-care workers?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:00): I don't accept the premise of Senator Keneally's question. As I indicated to the chamber yesterday, we have acknowledged that there were some issues with supplies out of the national stockpile. That's one of the things that we've been working on. Coles, Woolworths and a whole range of organisations indicated that they had supply-chain issues because they had workforce out of their logistics chains, and that impacted on their capacity to deliver.

I'm advised that, in respect of this particular facility, the size and scale of the delivery—and this happened with a number of facilities—meant that the deliveries were split into a number of different packages, a number of different deliveries. So things would have arrived at different times because of those issues we had with the logistics chain. The government has acknowledged that we've had issues with deliveries out of the national stockpile. That's what we have spent all of January working on to fix, because the logistics operators that were supplying and moving the products had staff effects from COVID. That's why it happened, as in so many other logistics chains around the country. For the Labor Party to expect that one part of the economy and one part of the community won't be impacted by COVID when the rest is just completely naive, and it shows how much they're prepared to play politics with the pandemic rather than actually deal with the pandemic. They're not interested in finding solutions. They're not

interested in actually dealing with the issues that are real—and they are real for that provider, who's made comment to the local media. We're interested in dealing with the problems, and that's what we'll continue to do.

The PRESIDENT: Senator Keneally, a supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:02): A nursing manager in New South Wales said:

I have never felt pressure like this ... The reality is, this government has made a huge amount of mistakes. My staff should not be on the pittance they are being paid. I don't think anyone in aged care is OK.

Will the minister say sorry to this nursing manager for the mistakes he and his government have made?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:03): The first thing I'll do is acknowledge, again, the magnificent work that aged-care providers and their workforce have done during COVID. We know that they've doubled up on shifts. We know that they've worked really hard in the interests of the residents that they're caring for. We understand that, and we've supported the aged-care sector with PPE, with rapid antigen tests, with surge workforce and with a program to cover the additional costs of managing a COVID-19 outbreak within a facility. A whole range of measures have been in place right through the pandemic. At certain points of time during the pandemic, there have been circumstances that have arisen that have impacted on the capacity to appropriately deliver those services. I've just been telling the chamber about the issues we've had with supply chains. (*Time expired*)

The PRESIDENT: Senator Keneally, a second supplementary question?

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:04): Aged-care nurse Sue has asked:

Mr Morrison, do I go to Mr Smith who is in pain, or Mrs Jones who is on the floor, or John who has got behaviour problems and is intruding into other people's rooms? I have floor alarms going and buzzers going. What would you like me to do?

What does the minister for aged care services think Sue should do?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:04): The question is an example of how cheap the Labor Party are really trying to be in relation to the delivery of aged-care services. It's impossible for me, from the question, to try and interpret the decisions that Sue has had to make, but I acknowledge how difficult they are. I acknowledge how difficult they are, and we have provided over 80,000 shifts of surge workforce around the country and we have provided additional resources wherever we can. We have not spared any expense with respect to supporting the sector with those workforces. I know that the choices that Sue has had to make are going to be difficult, and they are the stresses that all Australians have felt through the healthcare system, through the aged-care system, through the NDIS and through a whole range of workplaces in managing COVID-19. (*Time expired*)

Economy: Regional Australia

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (14:06): My question is to the Minister representing the Deputy Prime Minister, Senator McKenzie. Can the minister outline to the Senate how the Liberal and Nationals government's plan is delivering investment, jobs and opportunities for regional Australia?

Senator McKENZIE (Victoria—Minister for Emergency Management and National Recovery and Resilience, Minister for Regionalisation, Regional Communications and Regional Education and Leader of The Nationals in the Senate) (14:06): Thank you, Senator Canavan, for your long advocacy for regional Australia. Our government has been just focusing on getting it done to ensure our regions are sustainable, prosperous and secure by investing and delivering thousands of projects on the ground and delivering local jobs—projects that build on the natural competitive advantage of our regions and support them to be more resilient in the face of key challenges, whether it's drought, whether it's bushfire or whether it's indeed COVID-19—and it is having a real impact. The Regional Australia Institute has just released a report today that says our unemployment rate out in the regions is at 3.8 per cent, the lowest in decades, and our job vacancies are skyrocketing—70,000. We've got great long-term, well-paid careers right across the regions. Come and join us.

Our key industries of agriculture and mining are booming, with the resource and energy export earnings forecast to hit a staggering \$379 billion with hundreds of projects in the pipeline. Ag is forecast to hit \$73 billion and is well on the way to its target of \$100 billion by 2030. We've invested over \$100 billion in infrastructure projects, in roads and rail, to better connect our rural communities and shift our product not just to capital cities but to ports and international markets. We've spent \$3.5 billion on dams, pipelines and weirs because we know that we create wealth by adding water.

Senator Watt interjecting—

The PRESIDENT: Senator Watt, the interjections are coming far too frequently. Interjections are always disorderly. Senator McKenzie has a pretty powerful voice, and I could not hear parts of her answer. Senator McKenzie, you have the call.

Senator McKENZIE: Thank you, Mr President, for your protection. We've put \$5 billion for drought resilience back into the community and we're tapping into emergent industries such as the hydrogen industry; we've put \$1.3 billion on the table for that. I could go on and on. We're putting record investment into the regions. But, I tell you what, I would love to hear someone over on the other side of this chamber talk about regional Australia. Albo didn't even mention it in his National Press Club speech last week. *(Time expired)*

The PRESIDENT: Senator Canavan, a supplementary question?

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (14:08): That's great news, Minister. Can the minister further advise how supporting regional and remote communities will strengthen Australia's future economic prosperity?

Senator McKENZIE (Victoria—Minister for Emergency Management and National Recovery and Resilience, Minister for Regionalisation, Regional Communications and Regional Education and Leader of The Nationals in the Senate) (14:09): We know that, when the regions are strong, Australia is strong. A third of our population lives outside of capital cities, and a vast amount of our GDP is produced out there too. That's why we're investing in infrastructure, connectivity and resilience for the regions not just for building short-term impacts but for generations.

Take a project like the Inland Rail. More than 400 Australian businesses have already shared in the billions of dollars we're investing in that project. The ARTC, for example, has over \$140 million of contracts out there that are building jobs in places like Rockhampton and Wagga Wagga as they produce the concrete sleepers. This project is going to boost our GDP by more than \$18 billion over the next half a century. We've got a long-term vision for this country and for the regions. It's also going to reduce our emissions by 750,000 tonnes, which is great news as we put more product on rail and off road. *(Time expired)*

The PRESIDENT: Senator Canavan, a second supplementary question?

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (14:10): Can the minister outline the risks to Australia's economic security if our regions are not supported?

Senator McKENZIE (Victoria—Minister for Emergency Management and National Recovery and Resilience, Minister for Regionalisation, Regional Communications and Regional Education and Leader of The Nationals in the Senate) (14:10): There are very real risks and challenges to Australia's economic security if we don't back our farmers, our foresters, our miners, our fishers and our manufacturers. But the greatest risk is sitting opposite me right now. We know that Adam Bandt and Albo have done the sneaky deal, and Adam just could not wait for the election campaign to outline it. He couldn't wait. What are they going to do? A moratorium on all new—

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

Senator McKENZIE: I want to re-announce Adam—

The PRESIDENT: I would remind you that we need to refer to members of the other place by their correct titles.

Senator McKENZIE: I will be respectful. Adam Bandt is sealing the deal with Albo, demanding from Labor a moratorium till COP27—that's four years—on in support for all new coal, gas and oil projects. That is going to kill hundreds of projects and tens of thousands of local jobs in places like the Hunter, western New South Wales and Central Queensland. *(Time expired)*

Aged Care

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:11): My question is to the Minister for Senior Australians and Aged Care Services, Senator Colbeck. Does the minister think that \$22 per hour is enough for aged-care workers?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:12): As I've said in this chamber before, and I've said on a number of occasions in front of your committee, Senator Gallagher, the determination of the salary for people across Australia is a matter for Fair Work Australia, which was actually legislated by the Labor Party. What I believe is that all Australians in the workforce, but particularly those working in aged care, should be fairly compensated. There is a case open right now, being considered by Fair Work Australia, in relation to the wages of Australians working in the aged-care sector. As we said we would do in response to the royal commission, we have provided support and advice to that case as it has progressed.

About a week or so ago, Mr Albanese was asked: 'Do you say that aged-care workers should have a 25 per cent pay rise? Do you agree with that?'

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

Senator Keneally: Yes, on direct relevance. This was a fairly tightly worded question. It had no embroidery. It was very direct. It was literally: 'Does the minister believe the pay of \$22 per hour is sufficient for aged-care workers?' It made no mention of anything about the industrial relations system or other parties in the parliament. It was a fairly tightly worded question. I ask you to bring the minister back to the question.

The PRESIDENT: I've been listening to the minister answer the question. I believe that the first part of his answer was relevant to the question. The minister was straying into other territory, so I've allowed you to bring the minister back to the question. I will listen carefully to his answer. Minister, you have 40 seconds remaining.

Senator COLBECK: I have directly responded to the question, but it is pertinent that Mr Albanese, when asked about this, said, 'It's up to the Fair Work Commission to determine what that figure would be!' Now, they don't want to hear that.

The PRESIDENT: Minister!

Honourable senators interjecting—

Senator Pratt interjecting—

The PRESIDENT: Order! Senator Pratt! Senator Keneally?

Senator Keneally: I thank you for your previous comments about the minister straying from the question. Again, a point of order on direct relevance: he is straying again.

The PRESIDENT: Senator Birmingham?

Senator Birmingham: On the point of order: the question was about wage rates. The minister is absolutely within his rights to outline how wage rates are set and, indeed, to use direct quotes about the validity of the system that sets those wage rates. The minister was not making a political point from what I heard at the time Senator Keneally took her point of order. He was using a direct quote about the system that sets wage rates, which was entirely relevant to the context of the answer he was giving.

The PRESIDENT: Senator Gallagher, on the point of order?

Senator Gallagher: On the point of order, and following on from Senator Birmingham's comments: the minister was making a political point. He was quoting from a transcript about the Leader of the Opposition and he was making a political point. It had no relevance at all, and it was ignoring the direction that you just provided to the minister. He completely ignored your direction.

The PRESIDENT: On the point of order, Senator Canavan?

Senator Canavan: Yes, on the point of order: can I point out here that all the minister is doing is confirming how our wage system works by referring to someone who has been a member of this parliament for many years, Mr Albanese. The only implication you can take from the points by Senator Gallagher is she does not think that Mr Albanese is an authority about how our system works, and he does not know, apparently, how our system works—

The PRESIDENT: Order! Senator Canavan!

Senator Canavan: because all the minister is doing is quoting someone who probably knows—

The PRESIDENT: This is a debating point. Senator Canavan!

Senator Canavan: how the system works. It's not a political point.

The PRESIDENT: Senator Canavan, resume your seat. I think we've all heard enough. I allowed you to direct the minister back to the question, as I believe there was a risk that he was straying from the direct topic. I will continue to listen to the minister's answer. I am not yet convinced that the minister is not being relevant, but I am listening very carefully. Minister, you have the call for 31 seconds.

Senator COLBECK: As I've said, I believe that all Australians in the workforce, particularly those in aged care, should be fairly remunerated. The level of that remuneration should be determined by Fair Work Australia. That's what the government said, and that's exactly what Mr Albanese said. He agrees. So I believe that they should be fairly remunerated. I know they work hard. I appreciate how hard they work. *(Time expired)*

The PRESIDENT: Senator Gallagher, a supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:17): The opposition isn't asking about the tribunal's view. We are asking the minister responsible for aged-care services and an aged-care workforce whether you believe, as the minister responsible, that pay rates of \$22 an hour is sufficient for aged-care workers. You should answer that question and not avoid it.

Senator Abetz interjecting—

Government senators interjecting—

The PRESIDENT: Order! Senator Abetz!

Honourable senators interjecting—

Senator Abetz interjecting—

The PRESIDENT: I will not call the minister. I haven't got a mask on. I will not call the minister until there is silence, Senator Abetz. Minister?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:18): I'll say it again: I think that all Australians in the workforce should be fairly remunerated. The balance of how that remuneration is established in relation to all other elements of the economy is rightly and properly determined by Fair Work Australia. That's why Fair Work Australia was set up. I presume that's why the Labor Party established Fair Work Australia. And whatever pay rise is granted to workers in the aged-care sector, Mr Albanese agrees with the government that it's up to Fair Work Australia to decide. That's the process. I believe they deserve a fair day's work for a fair day's pay, and they work hard. They work extremely hard. I've acknowledged countless times in this chamber how hard they work. I've spoken to aged-care workers. I believe that they should be fairly recompensed, and I will continue to maintain that.

The PRESIDENT: Senator Gallagher, a second supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:19): Does the minister believe that aged-care workers are fairly remunerated now? And have you personally asked Mr Morrison to make a submission to the Fair Work Commission work value case in support of a wage rise for aged-care workers? You referred earlier to help and support provided by the government. Please outline what that help and support is.

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:20): My understanding is that the advice we've provided to Fair Work Australia has been published by Fair Work Australia. Fair Work Australia wrote to the government and asked us to make a submission in relation to this case. We have done that and we will provide any information they seek. There's one element that wasn't a matter for Fair Work Australia to determine, and we've advised them of that—that was in relation to future budgeting. We have provided and we will continue to provide the information that Fair Work Australia requires in the determination of this case. The government have responded to the royal commission's recommendations, and we have said in response to the royal commission's recommendations that Fair Work Australia is the appropriate place for the determination of wages.

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

Senator Keneally: Direct relevance. The question also included, 'Did the minister personally ask Mr Morrison to make a submission to the Fair Work Commission?' With 13 seconds left, we'd appreciate it if the minister could get to that part of the question.

The PRESIDENT: The minister can be directly relevant to any part of the question. You have brought the minister's attention to a particular part of the question. Senator Colbeck, you have the call for 13 seconds—unless you have finished your answer.

Senator COLBECK: As Mr Albanese said, it's up to the Fair Work Commission what that figure should be. Fair Work Australia is the appropriate determiner of wages in this country. The government believes that as well.

Domestic, Family and Sexual Violence

Senator HUGHES (New South Wales) (14:22): My question is to the Minister for Women's Safety, Senator Ruston. Can the minister update the Senate on how the Liberal and Nationals government is ensuring support is available to victims of domestic, family and sexual violence through 1800RESPECT into the future?

Senator RUSTON (South Australia—Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in the Senate) (14:22): I thank Senator Hughes for her question on this really important subject. 1800RESPECT is the national gateway for all Australians who are affected by family, domestic and sexual violence and are seeking help or assistance. It is an absolute priority of this government to ensure that this national telephone and online counselling service is of the absolute highest quality so that people who rely on it can rely on it.

That's why we conducted an open and competitive procurement process to secure the next provider to deliver 1800RESPECT into the future. On 24 January this year I was pleased to announce that Telstra Health had been the successful provider. That followed a very extensive process that enabled us to come up with the strongest service

solution with the capability to provide a really high quality response that was trauma informed and fit for purpose. So Telstra Health will deliver 1800RESPECT for the next five years, with the possibility of an extension. This is the first time we've put in place a five-year contract for the service so that we can make sure we have continuity and stability in the service we provide, because we know it is so important to so many Australians. Through this process, we've overhauled the funding model. It is no longer a cost-per-contact model; it's one based on the time that's needed to help the person, to make sure that 1800RESPECT is funded on the basis of user need.

As our understanding of trauma and the pervasive nature of gender based violence continues to evolve, we are also ensuring that this service evolves to meet the diverse and complex needs of the people that rely on it. A staged transition will occur to make sure there is no impact on the delivery when Telstra Health take up the service provision in July. Can I take this opportunity to acknowledge the work of Medibank Health Solutions and their subcontractors, who have been delivering this important commitment since 2010.

The PRESIDENT: Senator Hughes, a supplementary question?

Senator HUGHES (New South Wales) (14:24): Can the minister outline the further improvements that are being made to 1800RESPECT?

Senator RUSTON (South Australia—Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in the Senate) (14:24): A number of enhancements will be available into the future to ensure that 1800RESPECT meets the diverse and complex needs of the people who rely on the service. New technology is one of the key things that are going to be built into the new platform, including additional options for users so that they can use text messages or video calls. Most importantly, there is a new mechanism which means that they can transfer between devices and platforms without needing to disconnect.

Follow-up on referrals, which we'll do when it is safe to do so, is also very important in ensuring that the needs that the person has sought to meet have been met in the appropriate way. The new service offering will also include supported referrals by counsellors to other appropriate supports within the broader service system. Importantly, we're acting on the advice from the sector to make sure that these technological enhancements support a tell-it-once model that minimises the need for users to continually repeat their story.

The PRESIDENT: Senator Hughes, a second supplementary question?

Senator HUGHES (New South Wales) (14:25): How is the government continuing to respond to the recommendations of the *Respect@Work* report through the additional support being provided by 1800RESPECT?

Senator RUSTON (South Australia—Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in the Senate) (14:25): We all have a role in stopping sexual harassment and creating safe workplaces, and that's why we've ensured 1800RESPECT expands its service offering to provide psychological support and referrals to people affected by workplace sexual harassment. Importantly, this particular enhancement responds to recommendation 54 of the *Respect@Work* report. Our own government has agreed to or noted all 55 recommendations in the report, and our response is about creating a new culture of respectful behaviour in workplaces across the whole of Australia.

It's also our priority to ensure that 1800RESPECT provides high-quality and responsive support to people who need help and information, and it's important that this includes victims of workplace sexual harassment. I'd like to take the opportunity to encourage anybody who has been impacted, or knows someone who's been impacted, by sexual assault or family violence to call 1800RESPECT, on 1800737732, or go to our website.

Australian Broadcasting Corporation

Senator GRIFF (South Australia) (14:27): My question is to Senator Hume, representing the minister for communications. Two days ago, the government announced that it would increase funding to the ABC, restore indexation and continue funding the Enhanced Newsgathering program for an additional three years. That program, which sits outside of the ABC's base funding, allows the ABC to employ journalists in regional Australia, particularly in areas which would otherwise go without local news. More than 70 people are currently employed by this program, and the continued funding shows that the government believes it provides value for money. Could the minister explain why the government decided to keep the Enhanced Newsgathering funding outside of ABC's base funding?

Senator HUME (Victoria—Minister for Superannuation, Financial Services and the Digital Economy and Minister for Women's Economic Security) (14:27): I thank Senator Griff very much for his question and his enduring commitment to a strong and independent ABC—one that is shared by the government—that provides quality broadcast services free of bias or political alignment and is reflective of our population and the values and expectations that all Australians have, as they are the ones who fund the ABC.

The government certainly recognises the importance of the ABC and understands that Australians also value the services provided by our ABC. We're committed to a strong and resilient ABC operating efficiently and delivering the best possible outcomes with the substantial funding that it receives. In fact, the ABC has more funding certainty than any other media organisation in Australia. At the moment, taxpayers fund the ABC with more than \$1 billion every single year, and this is a substantial investment of public funds in our national broadcaster to enable it to provide television, radio and digital media services in line with its charter.

The budget for the next three years of ABC funding, commencing on 1 July 2022, was announced, as Senator Griff said, on 7 February this year. The ABC will receive \$3.3 billion over the next three years to 30 June 2025. As Senator Griff points out, this includes \$45.8 million under the new Enhanced Newsgathering program to strengthen local public-interest journalism in regional communities. This represents an increase in funding compared to both the 2016-2019 triennium and the 2019-2022 triennium. The ABC will also receive indexation on that base operational funding, which does not include the \$45.8 million under the Enhanced Newsgathering program. The ABC will also, however, receive funding to continue and expand audio description services to blind and vision-impaired— *(Time expired)*

The PRESIDENT: Senator Griff, a supplementary question?

Senator GRIFF (South Australia) (14:29): Minister, you didn't directly answer my question, which related to why enhanced news gathering is kept outside of the ABC's core budget. Some have claimed the government keeps it outside as a way of keeping the broadcaster dependent and compliant. Could you rebut this by explaining, perhaps even on notice, the other components of the ABC's funding which sit outside the base funding, if there are any?

Senator HUME (Victoria—Minister for Superannuation, Financial Services and the Digital Economy and Minister for Women's Economic Security) (14:30): Senator Griff, I doubt that anyone in this chamber would call the ABC compliant or dependent. In fact, the ABC were 'delighted with the Government's decision to commit \$3.3 billion over the next three years to the ABC'. That's a direct quote from the chair of the ABC, Ita Buttrose. In fact, she said that that funding agreement:

... will allow the national broadcaster to continue doing what it does best—provide information and entertainment to Australians wherever they live.

In fact, David Anderson, the managing director of the ABC, said:

I welcome the funding certainty this announcement brings to the national broadcaster for the next three years.

He said:

The triennial funding announcement is an important recognition that the ABC is needed now more than ever, and this funding is required so it can continue to fulfil its vital role in our democratic society.

He even reached out and thanked Minister Fletcher and the government for recognising the enduring value of the ABC, particularly in this year, as they mark 90 years of serving all Australians.

The PRESIDENT: Senator Griff, a second supplementary question?

Senator GRIFF (South Australia) (14:31): Minister, journalists employed under the enhanced news-gathering program cannot be offered contracts that run beyond the funding period. That is a fact. As their employment and financial circumstances are precarious, the ABC struggles to attract and retain quality journalists in regional areas. What would the minister say to these journalists to justify this policy of keeping it outside of the core budget?

Senator HUME (Victoria—Minister for Superannuation, Financial Services and the Digital Economy and Minister for Women's Economic Security) (14:31): The ABC's funding is more certain than that of any other news-gathering or media organisation in Australia. In fact, the news media bargaining code bill, which passed this chamber on 25 February 2021, implemented the News Media and Digital Platforms Mandatory Bargaining Code which has allowed the ABC to reach an agreement—

The PRESIDENT: Senator Griff on a point of order?

Senator Griff: It's on direct relevance. My question solely related to the enhanced news-gathering budget being outside of the core ABC budget.

The PRESIDENT: I'm listening to the minister's answer. I don't believe I can yet bring her back to the question. You have brought her back to part of the question. Minister, you have the call. You have 36 seconds remaining.

Senator HUME: Senator Griff, what I wanted to say is that the News Media and Digital Platforms Mandatory Bargaining Code and the commercial agreements that have been negotiated between Google, Meta and the ABC have now allowed the ABC—and they have publicly committed to this—to use any of those funds from those agreements to support regional journalism specifically. On 5 November 2021, the ABC unveiled plans for major investment in regional and rural broadcasting and journalism, using the proceeds from its agreement with Google— *(Time expired)*

Energy

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (14:33): My question is to the Minister representing the Minister for Industry, Energy and Emissions Reduction, Senator Seselja. Can the minister update the Senate on how the Liberals and Nationals in government are securing our energy future, including and especially in regional Australia?

Senator Watt interjecting—

The PRESIDENT: Order! I will call the minister when there is order.

Senator SESELJA (Australian Capital Territory—Minister for International Development and the Pacific) (14:33): I'm already getting interjections, which I love, from Senator Watt! These are the facts. Electricity costs are now at their lowest level in eight years. In the last two years alone, energy costs for households are down eight per cent and costs for small businesses are down 10 per cent. Our reforms to cap the price of the highest cost electricity deals mean that a typical household can be up to \$768 a year better off and a typical small business can be up to \$3,000 a year better off. On top of this, an AEMC report released in November shows household electricity bills across the National Electricity Market will continue to fall by a further nearly six per cent on average over the next few years.

That's in stark contrast to when that lot were in government, where we saw 23 consecutive quarters of increases in electricity prices. What do we see now from those opposite? Labor are flip-flopping on the Kurri Kurri project in the Hunter, which will provide 600 direct construction jobs, 1,200 indirect jobs for the Hunter region, and now, after nearly a year of talking down jobs and investment in the Hunter, after nine of his frontbench colleagues opposed the project, the weak Leader of the Opposition, 'Each-Way' Albo, has backflipped on support for a new gas-fired power station in Kurri Kurri. What a conviction politician he is!

The PRESIDENT: I bring the minister's attention to the fact we need to refer to members of the other place by their correct titles.

Senator SESELJA: What do some senators over there think about this change of heart? Senators Keneally and McAllister created LEAN, the Labor Environmental Action Network, which said, 'We know that increasing gas supply is not the solution. It's not good for the economy, it's not good for jobs and it's not good for the environment.' There is so much support for Anthony Albanese and his new policy over there on the opposition benches: Senator McAllister, Senator Keneally and the entire frontbench! Nobody believes in it. (*Time expired*)

The PRESIDENT: Senator Davey, a supplementary question?

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (14:36): Thank you, Minister. You mentioned the Kurri Kurri project in the Hunter. Can you explain again, particularly for the benefit of those opposite who may still be wavering, despite Labor's backflip, why the Hunter Power Project is so important?

Senator SESELJA (Australian Capital Territory—Minister for International Development and the Pacific) (14:36): Yes, I can. Closing the Liddell power plant without adequate replacement capacity risks prices rising by around 30 per cent over two years, which is what happened when they were last in government. That's why now, more than ever, it's important to see Kurri Kurri come online. It's a project that, on this side, we've consistently supported. But the Leader of the Opposition said, 'The project doesn't stack up.' Senator McAllister said, 'If you're interested in driving down electricity prices, you'd be mad to use gas.' Chris Bowen said, 'We don't support new gas-fired power stations like Kurri Kurri.' Pat Conroy said, 'It's a massive white elephant.' Mark Butler said, 'We know that coal and gas won't underpin continued prosperity,' and Mark Dreyfus said, 'It's a project that no-one wants.' That is what the Labor party really believe. Forget about what they're saying now, just before an election, in a desperate bid to curry favour with those in the Hunter and elsewhere. They can't be trusted; we've got them with their own words. (*Time expired*)

The PRESIDENT: Senator Davey, a second supplementary question?

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (14:38): Can the minister outline what the risks are to the continued delivery of affordable and reliable energy for all Australian families and all Australian small-to-medium businesses?

Senator SESELJA (Australian Capital Territory—Minister for International Development and the Pacific) (14:38): I can: it is those opposite in potential coalition with the Greens. Here in the ACT, we've had a bit of a look at what a Labor-Greens coalition looks like. Anthony Albanese and Adam Bandt want to take that project national. That's what they want to do—they want to take it national. What have we seen here? Well, electricity prices in the rest of the country are going down. What we're seeing in the ACT is that they're projected to go up by four per cent on the back of a 12 per cent increase just last year. Of course, if Anthony Albanese is going to cave to the Greens on energy policy—

Honourable senators interjecting—

Senator SESELJA: They really don't like me talking about their Labor-Greens alliance.

The PRESIDENT: Senator Bilyk?

Senator Bilyk: Once again, Mr President, I draw your attention to the fact that the speaker is not referring to the gentlemen he's referring to by the right title or name.

The PRESIDENT: I ask everyone to remember that we address members of the other place by their correct titles.

Senator SESELJA: If the Leader of the Opposition is going to cave to the Greens on energy, what else is he going to give the Greens? Is he going to cave to them on their policy to cut defence spending in half? Is he going to cave on their policies to decriminalise hard drugs like ice? He will cave to them on anything to get into government, and that's why he can't be trusted. *(Time expired)*

Asylum Seekers

Senator THORPE (Victoria) (14:39): My question is to the Minister representing the Minister for Home Affairs. In my home state of Victoria, people who sought the help of this country are being imprisoned in the Park Hotel. How can you justify locking up these innocent people for up to nine years when the vast majority of them have been recognised as refugees?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (14:40): I thank Senator Thorpe for the question. Senator Thorpe, there is one thing that the Australian Greens and the Morrison-Joyce government disagree about, and that is in relation to the fundamental policy of border protection. You joined with the Labor Party last time and, as a result, the people that you are referring to in the alternative places of detention—they came to this country in contravention of our strong border protection laws. I reject any statement by you that in any way infers that they are locked up. We have made it very, very clear that the fundamental responsibility of a government is the protection of Australia and Australians.

The question asked by Senator Thorpe is a very, very telling one. It says to the Australian people that if, at the next election, they were to cast a vote, as Senator Seselja has said, for the Australian Labor Party, they will be governed in concert, just like last time, with the Australian Greens—for 50,000 people coming to this country illegally, for thousands of deaths at sea. We on this side of the chamber make no apologies for our border protection principles. A fundamental responsibility of any Commonwealth government must be the protection of Australia and Australians. In that regard, both the Australian Greens and the Australian Labor Party fail every time.

The PRESIDENT: Senator Thorpe, a supplementary question?

Senator THORPE (Victoria) (14:42): Thank you, Mr President. Thank you, Minister, for your response. The only people who came here illegally were the people who came here 240 years ago on boats. Last month, the Prime Minister claimed that the people held in the Park Hotel are not refugees. Why did the Prime Minister lie about this?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (14:43): Senator Thorpe, I completely, totally and utterly reject your statement that the Prime Minister has lied. There are many things you can say about the Prime Minister, but he is a man who, when minister for immigration, was responsible for some of the strongest border protection policies this country will ever see.

As we move towards the next election—which, as we know, is in but a few months—this question highlights the fundamental difference, for all Australians, between the attitude of the Australian Greens, in coalition with the Australian Labor Party, and the attitude of the coalition government. Again, we will never make excuses for protecting Australia and Australians.

The PRESIDENT: Senator Thorpe, a second supplementary question?

Senator THORPE (Victoria) (14:44): Thank you, Mr President; and thank you, Minister, for your response. Again, the only people who came here illegally were the people who came here 240 years ago on boats. What is the plan to release the remaining people who are being locked up and tortured at the Park Hotel prison?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (14:44): I don't think there is a lot more that I can add to my answers. Again, Senator Thorpe, you actually show your disrespect for border protection policy in Australia by those comments. Governments are not torturing people, and any allegation that they are, as you know, is completely, totally and utterly untrue.

COVID-19

Senator PATRICK (South Australia) (14:45): My question is to the Leader of the Government in the Senate. I first called on the government to consider the establishment of a royal commission inquiry into Australia's COVID-19 pandemic response more than seven months ago. Would you now agree that it's imperative—that a fully independent national inquiry, able to identify all lessons to be learned and able to deliver authoritative findings to guide future policy, is required? Will the government, before the pre-election caretaker period, commit to establishing a wide-ranging royal commission inquiry, fully empowered under the Royal Commissions Act to inquire into federal, state and territory government responses to the pandemic, so that investigations can get underway by the middle of the year? If the government is not prepared to do that now, will you commit to doing so after the election if you get into power?

Senator Abetz interjecting—

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (14:46): I thank Senator Patrick for his question and Senator Abetz for his interjection. The government continues, as we've acknowledged along the way, to manage the complicated responses to COVID-19. Those responses are complicated by the fact that it continues to be an evolving and changing situation. For example, had a royal commission of the nature that Senator Patrick proposes delivered interim reports and findings ahead of the omicron variant becoming established and becoming the dominant variant, it would probably have different recommendations at that stage to what it would have today, because that is the nature of the changing circumstance we face in handling a pandemic. There will probably be other changes to come.

We have certainly subjected ourselves to review and scrutiny throughout our responses to the pandemic—the committee that Senator Gallagher chairs being an important vehicle of that, along with the fact that all of the other mechanisms of scrutiny have continued to be in place. I have no doubt that there will be reviews when we are able to put the pandemic more squarely in the rear-view mirror and that those reviews will need to entail a cooperative approach between the Commonwealth, states and territories around how we best prepare ourselves for future uncertainty and future disasters.

But I would underline the word 'uncertainty' in that regard. The next major global disruption we face will, almost unquestionably, not be like the current one. Whilst there are lessons that we should continue to learn from this, I don't think anybody should pretend that a royal commission or any other particular inquiry will be a panacea to answer all questions for the future. (*Time expired*)

The PRESIDENT: Senator Patrick, a supplementary question?

Senator PATRICK (South Australia) (14:48): I'll take that as a no. Would you agree that any future inquiries into the government's COVID-19 pandemic response, whether they be a royal commission or whether they be other forms of inquiry, will require full, unrestricted access to the records of Commonwealth departments and agencies? Accordingly, will the government direct the Director-General of the Archives to immediately issue, under the Archives Act, a records retention notice to all departments and agencies, prohibiting them from destroying Commonwealth records or hard copies of documents relating to the COVID-19 pandemic?

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (14:48): Whilst I don't pretend to be an expert on the legalities of the Archives Act and the obligations that exist across Commonwealth agencies, I am fairly confident in saying that they are not destroying records or documents that would be appropriately considered under any future review or other arrangements. If there's a need to add to that, in terms of the suggestion you have made, Senator Patrick, about an explicit order being made and whether that would provide any additional protection in that regard, I'll bring further information to the chamber if that is necessary.

In terms of cooperation, if an inquiry is established, as I said, I expect there will be not only plenty of reviews but many academic studies focusing on particular areas, all different areas, of response to the pandemic over the years to come. Certainly, where there are reviews of government we will cooperate fully.

The PRESIDENT: Senator Patrick, a second supplementary question?

Senator PATRICK (South Australia) (14:50): After three years the government has failed to deliver a promised federal anticorruption commission. What guarantees can you give that, if re-elected, you won't continue to duck scrutiny and accountability for the failures of the government's COVID-19 response, border control and quarantine, the vaccine 'strollout', the RAT kit shambles and the continuing tragedy in our aged-care homes? Aren't those failures the reason why you won't support a royal commission?

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (14:50): I completely reject the many assertions Senator Patrick made in

his question. If we were to have the type of fair dinkum independent inquiry that Senator Patrick wants to speak of, and it were to do a global comparison, I am confident it would find that in Australia the fatality rates are some of the lowest in the world, the vaccination rates are some of the highest in the world, and the employment outcomes and business security and safety and survival rates are some of the best in the world.

As I have acknowledged, as the Prime Minister has acknowledged, as Senator Colbeck and Minister Hunt have acknowledged: have we got absolutely everything right in a period of enormous global uncertainty? No, and we don't pretend we have. There are those rear-view-mirror experts opposite who are experts in hindsight, who of course pretend that they would have got everything right. There's no chance they would have. Nor has any other government around the world got everything right. But we have done very well in Australia relative to many other countries, and we continue to respond as comprehensively as we can— (*Time expired*)

COVID-19: Aged Care

Senator WATT (Queensland) (14:51): My question is to the Minister for Senior Australians and Aged Care Services, Senator Colbeck. In March last year a report from this minister's own aged-care regulator warned that the Jeta Gardens nursing home was not prepared for a COVID-19 outbreak and 'had not minimised infection related risks as it had not effectively planned or prepared for a potential outbreak of COVID-19'. What action did this minister take in response?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:52): The government, through the regulator, issued a number of notices to the provider and continued to work with the provider with a number of follow-up visits to ensure the provider did bring its response up to an appropriate level of standard. It took regulatory action in September. It put in a noncompliance notice in October, and on 29 November it put in a notice to remedy.

So the quality and safety commission actually undertook its role, which is to continue to provide oversight to a provider to bring the service back to compliance. And it continues to do that. That is the role the quality and safety commission has. It has that independent legislated responsibility that the Labor Party voted for to provide that level of oversight to a provider and take appropriate compliance action to bring a service back into compliance. Of course the government has provided significant additional resources to the quality and safety commission to ensure they have the capacity to do that. That's what we will continue to do. We will continue to work to improve the structure of the system and the resources of the system—particularly the quality and safety commission, so that they can provide the relevant and appropriate oversight to the sector to ensure that all providers are in compliance.

I will say this to any provider out there: be prepared for the fact that, even though there is a pandemic on, the quality and safety commission will continue to be focused on its work, as it appropriately should be.

The PRESIDENT: Senator Watt, a supplementary question?

Senator WATT (Queensland) (14:54): The minister claims that Jeta Gardens was brought back to compliance, but yesterday reports emerged that chronic staff shortages at Jeta Gardens have forced 90-year-old residents to care for each other, that families were lied to about vaccinations and not informed their loved ones had COVID until they were dying and that staff were asked to only change masks 'if you need to' due to mask shortages. How could the minister fail Jeta Gardens residents so badly when he was twice warned their safety was at risk?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:55): I too have seen those reports. That's why additional quality regulatory action has been taken against the provider, including a notice to agree, which requires additional capacity to be employed by the facility to ensure that it is providing services to the residents there in accordance with the quality standards. That is the role of the system, that is the role of the quality and safety commissioner, and that's what the commission has done.

I have to say I, like so many others, am extremely disappointed in the noncompliance of this service. They need to take responsibility for their role as an approved provider, and I will ensure that the quality commission does its oversight role. (*Time expired*)

The PRESIDENT: Senator Watt, a second supplementary?

Senator WATT (Queensland) (14:56): With 15 Jeta Gardens residents now tragically dead from COVID-19 after this minister was twice warned their safety was at risk and 182 residents and staff infected with COVID, does the minister still seriously believe the aged-care system is not in crisis?

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (14:56): As I've said a number of times this week, the aged-care sector in Australia due to COVID-19, due to a global pandemic, is under severe stress. Nobody has tried to deny that. We have provided every single resource we possibly can. I'm not here to play word bingo with the Labor Party. I'm here to work with the aged-care sector to resolve the issues and to assist them to work their way through the pandemic.

While we work on the pandemic, the Labor Party play politics with the pandemic. That's what they do. They are playing politics with the pandemic. We are actively working on assisting the sector to work its way through the pandemic, providing them with the resources, whether it's surge workforce, whether it's PPE, whether it's rapid antigen tests—all of those things—to support the sector to get through the pandemic.

Employment

Senator O'SULLIVAN (Western Australia) (14:57): My question is to the Minister representing the Minister for Employment, Workforce, Skills, Small and Family Business, Senator Cash. Can the minister update the Senate on how the Liberal and Nationals government's plan is securing Australia's pipeline of skilled workers now and into the future?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (14:58): I thank Senator O'Sullivan for his question and in particular I acknowledge the work he did prior to being a senator in relation to ensuring that Australians are upskilled, in particular in our home state of Western Australia.

The Morrison-Joyce government without a doubt is a job creating government. Since we were elected in 2013 over 1.7 million jobs have been created. For context, we actually had a population the size of South Australia move into work over the last nine years. That is a great thing for the Australian people. The unemployment level as we know now sits at 4.2 per cent. It is lower than when Labor was last in office. Of course, getting Australians into jobs is the focus of our policies when it comes to recovering from COVID-19.

Senator O'Sullivan, as you know, one of the focuses is investing in vocational education and training. Our investment in skills and training commenced when we were elected to office in 2013. It is now at record levels in Australia. In the past two years the coalition government has invested around \$12 billion into the skills and training system, and this year alone we're expecting a record \$7.1 billion investment.

As we move towards the election, it's important to remind ourselves what Labor did to vocational education and training when they were last in office. If you recall, they totally destroyed the reputation of the VET sector. Colleagues, who can forget Labor's disastrous VET FEE-HELP system, signing students up to courses that didn't exist? It's now costing the Australian taxpayer \$2 billion in recrediting.

The PRESIDENT: Senator O'Sullivan, a supplementary question?

Senator O'SULLIVAN (Western Australia) (15:00): I thank the minister for that answer. How has the government's plan for skills helped businesses take on more apprentices and keep them on?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (15:00): A number of the policies that we have put in place throughout COVID-19 have well and truly assisted businesses not just to take on more apprentices but also to keep those apprentices that they have taken on. Our Boosting Apprenticeship Commencements wage subsidy has been an overwhelming success. The wage subsidy has put almost 277,000 Australians into an apprenticeship or traineeship, and that's in over 82,000 businesses. What a fantastic step-up for those 277,000 Australians into their new jobs, and for those 82,000 businesses. Having that government investment in those apprentices and trainees has been well and truly reflected in the fact that the 277,000 are now in apprenticeships or traineeships. During the pandemic about 38 per cent of businesses have increased the number of apprentices that they have. (*Time expired*)

The PRESIDENT: Senator O'Sullivan, a second supplementary question?

Senator O'SULLIVAN (Western Australia) (15:01): How is the government working with states and territories to address the unique challenges in skills demand?

Senator CASH (Western Australia—Attorney-General, Minister for Industrial Relations and Deputy Leader of the Government in the Senate) (15:01): Throughout COVID-19 we have worked with the states and territories, particularly in relation to delivering the skilled workforce that Australia needs. You will recall that we set up the JobTrainer Fund. This was jointly funded between the states and territories and the Commonwealth government. It was a \$2 billion JobTrainer program supporting over 400,000 free or low-cost training places in areas of demand. The key here was working with the states and territories to ensure that the investment we were making together properly reflected the demand in the workplace. When people sign up for those free or low-cost courses that you see offered by the individual states and territories, they know that the Morrison-Joyce government is supporting them to become upskilled in an area in which the labour market is saying, 'You will get a job.'

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

ANSWERS TO QUESTIONS ON NOTICE

Defence Facilities: Chemical Contamination

Senator WHISH-WILSON (Tasmania) (15:03): I ask the Minister representing the Minister for Health and Aged Care for an explanation as to why an answer has not been provided to question on notice No. 86, asked during the 2021-22 supplementary budget estimates hearings of the Community Affairs Legislation Committee. The question related to health based guidance for PFAS chemicals.

Senator COLBECK (Tasmania—Minister for Sport and Minister for Senior Australians and Aged Care Services) (15:03): I don't have any specific advice in relation to that, but I do commit to coming back to you as quickly as possible in relation to that answer. I was aware that you were going to ask for this information and I had sought advice from the minister's office. I'll go back and see what I can resolve for you as quickly as possible.

Senator WHISH-WILSON (Tasmania) (15:03): I move:

That the Senate take note of the explanation.

I thank you for that, Senator Colbeck. Yes, we did contact your office to give you a heads-up that this was coming, and we have tried to do so multiple times. This issue is very important. PFAS chemicals are getting increasing focus around the world for their impact on health, on agriculture and on soil contamination right across airports and other sites in the country.

Sadly, they're making their way into our rivers and into our waterways. The PFAS group of chemicals represent over 4,000 chemicals. We've been using them historically in a wide range of applications, but unfortunately they have many harmful effects and their use in products such as firefighting foam has led them to enter the water supply and our food stream. They're a major environmental problem that's been recognised all around the world. They don't break down naturally, and they can be potentially highly toxic to a range of animals, habitat and ecosystems. I know many countries have discontinued their use.

What interests me is that while Commonwealth advice states that PFAS has not been proven to cause specific illnesses in humans, other nations are now increasingly disagreeing. Notably, the United States EPA has stated that there is evidence that exposure to PFAS can lead to adverse health outcomes in humans, and the US EPA only last month started a water monitoring program testing for PFAS around the nation. They've also released an epidemiological study of 69,000 people related to PFAS contamination that has shown kidney disease and testicular cancer. In Michigan PFAS was found in beef after cattle were fed crops grown with fertiliser made from contaminated wastewater biosolids. Farms in Maine and New Mexico, including dairy operations, were forced to close after high levels of PFAS were found.

We're not immune to this kind of contamination. Just in my home state, in Launceston—and this is particularly why I am actually pursuing this line of questioning with the minister—we have publicly acknowledged PFAS contamination from Launceston Airport in farmlands and in rivers, including rivers that go through the town that are used for fishing, that are used for recreation, and we still haven't got any answers from the minister.

We've also seen Germany, Denmark, the Netherlands, Norway and Sweden signal their intention to ban the manufacture of PFAS, and they have provided guidance for PFAS in drinking water which is very different to the Australian guidance—hence my questions to the minister. I note that there was one thing that the Greens asked the minister to provide—a new epidemiological study—and that has just been released by ANU, which is a positive.

Just very briefly, the questions that we put to the minister: How often are the health based guidance values for PFAS fact sheets, as available on the pfas.gov.au website, updated? And when was the last time it was updated? No answer. The last update about PFAS in the Australian Drinking Water Guidelines was in 2018—four years ago—yet we see continued evidence growing about the health impacts of PFAS—not good enough. When is the next update on PFAS envisaged? No answer. Why has there been no update since 2018? No answer. What priority areas have been identified for PFAS health research by the Australian government since 2018? No answer. How much money has the Australian government invested in PFAS health research since 2018? No answer. How has the Australian government adapted its health advice considering the recent changes to guidance in the EU and the US? No answer. Of course, we have asked these questions previously at estimates—no answer on the night. So we put questions on notice, and still, way beyond the due date, we've received no answers from the minister.

May I say, to conclude, that I understand Senator Colbeck has been under a lot of pressure lately. Yes, it's a very serious thing when this chamber, when the opposition, calls for the resignation of a minister. It's something I've only seen less than a handful of times in my 10 years in this place, and I remember a day when it was actually an extremely serious thing for all of us to call for the resignation of a minister. But we have seen repeated failures by Senator Colbeck in his department. I was gobsmacked when I learnt that he didn't appear before the Senate committee to provide not only information to the committee at a crucial time but information that could have been

of comfort to senior Australians who were really doing it tough during COVID, many of them alone, many of them anxious, many of them suffering and, sadly, too many of them dying from this virus. And the minister goes to the cricket! Perhaps that's why he hasn't been able to put a rocket under the department to get answers for us today, even after we have repeatedly reached out and asked for those answers. It's simply not acceptable. I hope the minister can get a hurry on, because, as is plainly obvious, we have very limited parliamentary time this year to get the answers to these critical questions.

Question agreed to.

Question Nos 1, 3, 5, 6, 501, and 519 to 531

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:10): Under standing order 74(5)(a), I seek an explanation from the Minister representing the Prime Minister, Senator Birmingham, as to why 2020-21 additional estimates questions on notice Nos 1, 3, 5, 6, 501, and 519 to 531 inclusive, placed on the *Notice Paper* through the Finance and Public Administration Legislation Committee—in the PM&C portfolio—remain unanswered.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (15:10): I thank Senator Gallagher for her question. As I've observed a few times in the life of this parliament, over the last year there've been not dozens, not hundreds, not thousands but tens of thousands of questions that have filtered through the parliamentary proceedings of this chamber, the other chamber, estimates committees and different select and standing committees that the government has received and, overwhelmingly, worked through responses to. I acknowledge that, with what is a flow of not just more questions than were received in the last parliament but, as I understand it, more questions than were received in the previous couple of parliaments combined, there are challenges in working through all of them. Some questions come with additional sensitivities—including, in some cases, legal sensitivities—to be worked through, and sometimes that adds time to the responses there. Whilst I am sure, as is relatively predictable in these debates, a raft of criticisms about the timeliness of responses to questions and so on will follow, I would note and contend that, in terms of the government's responsiveness to the sheer volume of questions and accountability in responding to such a large number of questions, we've demonstrated a very strong and significant effort in our accountability through the term of this parliament. We'll of course continue to make best endeavours in relation to the many questions that we continue to receive on a regular basis.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:12): Under standing order 74(5)(b), I move:

That the Senate take note of the explanation from the minister.

The minister is absolutely right that there will be criticism of the government's failure to answer these questions. These are important questions. It seems that the defence from the Minister for Finance is the same defence that he used in December when I followed up the failure to answer these questions. It is essentially that a lot of questions have been asked and that's why a lot of questions remain unanswered. That is essentially the government's defence. On this of all days, when Ms Brittany Higgins has addressed the nation again, has spoken about her experience here, these questions relate to that. They date back to that. They are questions I asked that are now 278 days overdue.

It's not like I've been harassing the government to answer these questions. It was expected that they would be answered by, I think, 7 May 2021. That was the due date. They're now 278 days overdue. We have had two estimates rounds in the intervening period. I wrote to the Secretary of Prime Minister and Cabinet on 13 October last year asking where the answers to these questions were and, indeed, giving him the opportunity to say whether there were specific reasons why these questions couldn't be answered—if that is an additional defence by the government. Secretary Gaetjens hasn't even bothered to answer.

Who would have thought that the head of the Prime Minister's department, the central agency, would refuse to even acknowledge, let alone reply to, a polite letter asking where the answers to these questions might be? But that's the level of accountability and transparency that exists in this government. I would argue it's the lowest level of accountability and transparency. They may have answered questions and they may have been asked lots of questions, but if they were a little more open and transparent, if they provided a little bit more information and didn't fight and if they didn't withhold so much information, maybe there would be fewer questions asked. Maybe if they answered questions and didn't use the opportunity to answer as merely a way to fob people off—I have so many questions where the answers provided by this government don't even bother to answer the question. If you ask, 'Can you provide A?' the answer will be: 'Here's an orange.' That is the quality that we get, and that is the disrespect that is shown to this Senate.

When I look back, these are the questions that were asked. I didn't get the opportunity to go to the Press Club today, for which I'm deeply sorry. I would have liked to have been there. I caught a little bit on the TV, and I heard

Ms Higgins say that she was still confronted by the fact that—and it's linked to the text message that we all know exists, where the Deputy Prime Minister messaged Ms Higgins, through a third party, basically to say that he thought the Prime Minister was a liar and a hypocrite, and she alluded to that being about his state of knowledge of what had happened to her and how that had been brushed over in the hoo-ha over the text message. The substance of what was being not acknowledged was that the Deputy Prime Minister seems to be agreeing that the Prime Minister knew more than he was letting on. My questions, which are now 278 days overdue, go to that point.

Do you remember the Gaetjens inquiry that got started up when the Prime Minister couldn't go and ask his staff who knew what and when? He had to create a specific inquiry. Then, after the heat moved on, do you remember that that inquiry just got suspended and then nobody talked about it anymore? Nobody's heard anything back from that. I had questions around what the Prime Minister knew about Brittany Higgins's alleged rape in this building and when. I had questions about the relocation of Ms Higgins to a different office after her disclosure. I had questions about the Gaetjens inquiry into who knew what and when in the Prime Minister's office—whether, for example, Mr Gaetjens could tell us how many interviews he's done and how they were conducted. I had questions about media inquiries leading up to the breaking of Ms Higgins's story, about who was involved with handling them and what they were told. I had questions about whether or not the Prime Minister's staff backgrounded journalists against Ms Higgins's partner. I had questions about the contact between the Prime Minister's principal private secretary and Ms Higgins following the airing of the *Four Corners* 'Inside the Canberra bubble' story, and there were also questions about correspondence with the Federal Police commissioner, contact between Minister Dutton and the Prime Minister's office, the departure of the alleged perpetrator and slurs made by Minister Reynolds about Ms Higgins.

I can see why the government doesn't want to answer these questions—I get that—but to just not provide any answer or any explanation is just not acceptable. It treats the Senate with contempt, it makes a mockery of the conventions of this place and the powers of the Senate to hold governments to account and to scrutinise the workings of government, and there is no consequence for this. It's easier for the government to not answer at all. It's easier for Secretary Gaetjens to ignore a letter from a senator pursuing his department about their failure to answer questions asked at estimates about a year ago now.

It is easier and more beneficial to the government to act in this way than it is to answer the questions. That's the sorry state of how this government treats this chamber. The minister says there are plenty of avenues available for accountability and transparency. Yes, but that does require the government to play their part, which is to provide information or, if they refuse to answer, to provide an explanation.

The issues that are raised in my questions go straight to the fundamentals of the standard of this government and the standard that the Prime Minister sets in leading it, because I presume he's okay with these questions not being answered. I presume Secretary Gaetjens isn't going to get a call from the PMO today saying: 'I've just been listening into the chamber that deals with accountability and transparency, and they're saying that we haven't answered something for nearly a year now. You'd better get onto that.' I doubt that's going to happen. This is the culture of this government: to hide things, to sweep things under the carpet, to delay, to distract, to pretend and, at times, to not tell the truth. That's the reality. We've all been learning that over the past few months. The Prime Minister's closest colleagues and world leaders have belled the cat and told us all what he's really like, and here is just another example of it.

I get that governments are busy; I completely accept that. I accept they have a lot on their plate at times. At the moment they've got more than they probably need, much of it self-inflicted, but that doesn't take away the responsibility a government has to protect and uphold the conventions of the parliament. That is what has been let go here. The Senate hasn't really shown its capability or capacity to stand up and push back against that. I think that's deeply regrettable, but that's a subject for another day.

These questions are important. They're important for us to understand what happened in this place. We're all talking about how we want to make this place a better place. In fact, yesterday the Prime Minister said:

I want this building to be a place where young Australians and young women in particular can follow their dreams and can live out their beliefs and not have them crushed by brutality and the misuse of power.

That's the quote from yesterday. Part of living up to that, surely, is to fess up to what happened in this building when the alleged rape of Ms Higgins occurred, and the period after that and this time last year when the government was on the back foot trying to deal with the fallout of Ms Higgins going public. That is what these questions are about—these 18 questions that, day after day, week after week, month after month, and soon to be a year, the government ignores and fails to answer.

As I said, we understand completely why it's the government's preference to do that, but it is disrespectful to Ms Higgins, and it flies in the face of the work that we're all trying to do around the Jenkins inquiry. What it says is that it's easier not to answer, it's easier not to front up to what happened and it's easier not to be honest about who knew

what when and about what was done or whether nothing was done. Ms Higgins certainly feels that, following her disclosures to Minister Reynolds and others, she was treated poorly. The government has the opportunity to answer these questions and put up their side of the story.

Today, as the Minister for Finance stood up to give his explanation—and I know Minister Birmingham; he's a fundamentally decent person—there was a part of me that thought it shouldn't be you, Minister Birmingham, doing this; it should be the Prime Minister answering for this.

But it's insincere and disrespectful to say, 'Well, there are a lot of questions and therefore we've answered some and not others,' and that for us to presume that the 18 questions asked about Ms Higgins, her experience here and what happened here at the heart of the government can just be ignored—hopefully, for the duration of this term and then they'll lapse. That's the sorry state that we're in.

The government has failed to provide an adequate explanation. I hope that Secretary Gaetjens is listening. Perhaps he could be bothered, considering the big bucks that are going on over there in PM&C, to actually respond to my letter of October and explain why those questions aren't being answered. Perhaps he has a resource issue—I don't know. He could tell me. Or, if the questions are going to be answered he could answer them prior to PM&C appearing at estimates next Monday, where we will be pursuing this matter. I think that, at a minimum, Secretary Gaetjens could be bothered doing that. It would be appreciated, and any push that Minister Birmingham could provide to that department to do the job that they are resourced to do would be appreciated as well.

But this is a really sorry state, I have to say: we stand here, using the precious time of the Senate to explain why questions that were asked 258 days ago still need to be followed up. This place should be afforded more decency and respect by the government.

Question agreed to.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Aged Care

Senator BILYK (Tasmania) (15:26): I move:

That the Senate take note of the answers given by the Minister for Senior Australians and Aged Care Services (Senator Colbeck) to questions asked by Senator Keneally and Senator Gallagher earlier today.

We know that the aged-care sector is in crisis. It's a word that we can't get the minister to say. In fact, in question time today he said it was in 'severe stress'. It's worse than 'severe stress'; it is in crisis, and I despair of the minister and his ability to deal with the ongoing issues. He has completely mismanaged it and shown his incompetence by his actions in regard to the crisis that the aged-care sector is facing. In fact, he has completely stuffed it, to be honest.

There are four key areas that concern this side of the chamber. Obviously, there are boosters, the lack of PPE and people being sent the wrong PPE when they've asked for it. And there are the RATs—we know they couldn't give a rats, so that is not news to anybody—and the surge workforce. We have aged-care workers who are so overworked and underpaid that, as we heard earlier today in question time, they're working 80 hours a week—a lot of them are working 80 hours a week. That's not sustainable.

Although I haven't worked in aged care, I know from my friends who do actually work in it that this industry is a very physical industry. It's also emotionally challenging for the workforce. They're not just dealing with people who might pop along to a surgery and who have a little sniffle. They have to lift people, they have to turn people and they have to deal with people who have mental health issues—dementia and all sorts of issues. Some of those people have been, basically, locked up for weeks and weeks on end and not been able to see their families. People have had to die without their families present. And what do we have? We've had lip service from a government that really, as I said—humour aside—could not give a rats. They could not give a rats.

These workers deserve our respect. And what else they deserve is decent pay for what they do.

A lot of them are only earning \$22 an hour. You can earn more being a gardener or a cleaner in someone's home. It's atrocious that we are treating people who are looking after some of the most vulnerable people in our society in this way. They're underpaid. They're being treated like rubbish by this government, with no care whatsoever. Then we wonder—well, we don't on this side; we know why—why it's hard to retain workers in the industry, as I said, even before you consider the pressures brought about by the industry.

Our aged-care workers—I want to say this upfront—have been doing amazing work under such difficult conditions, and they are the heroes of this pandemic. The villain is Minister Colbeck, who decided that it was better to go to three days at the cricket than to deal with the aged-care crisis or attend a Senate committee inquiry into COVID. This is despite the fact that the committee had said to him, 'We will meet at a day and time of your convenience.' You know what? They only wanted two hours and 45 minutes of his time. But no. Minister Colbeck could not give that two hours and 45 minutes. Why? Because Minister Colbeck was at the cricket, enjoying

hospitality. Seriously, they could have found him a room over there. I know what the cricket ground is like. I live in Hobart. I've been over there. They could have found him a nice, quiet little room where he could have set things up and done it. But he didn't want to, and that's because he's embarrassed, as he should be. He should be hanging his head in shame about the treatment of the aged-care sector all through COVID. I'll tell you: I'm surprised he even turns up, because truly it would take more front than Myer to turn up and say, 'The sector is under severe stress.' It's worse than severe stress; it's in crisis. (*Time expired*)

Senator O'SULLIVAN (Western Australia) (15:31): These questions go to aged care, and I think it's quite fair for me to say that Labor's record on this issue of aged care is patchy at best. Their record on health overall is, in fact, very poor. We only need to look back at their history when they were in government to see that. So far be it from them to come into this place and lecture this government, which has done a remarkable job, in collaboration with the states, over the last two years to weather and deal with the issues of health related to the pandemic. Of course, I could go on about the way the economy is tracking in Australia right now compared to the rest of the world. But on health we are arguably in the most enviable position of anywhere on the planet.

A lot of senior Australians were impacted by the failures of Labor to continue support for the PBS, the Pharmaceutical Benefits Scheme. In government, we have listed a record number of drugs on the PBS, supporting all Australians, particularly older Australians. Older Australians have a greater need for drugs that are listed on the PBS. It's our management of the economy—keeping the economy strong, with a budget that's able to support the listing of these medicines on there—that has meant that older Australians in particular have been very well supported. Since 2013, the coalition has approved nearly 3,000 new or amended listings on the PBS. This represents an average of around 30 listings or amendments per month, or one each day—an overall investment of \$14 billion by the government.

We do acknowledge that there are issues in the aged-care sector. That's why, right now, we have provided 80,000 shifts of surge workforce around Australia. We have not spared any expense to support the sector. That's why we have recognised the sector with special \$800 bonus payments.

I just want to pay tribute to those who are working in the aged-care sector. I have been surrounded by family who have worked in this space. My grandmother, who is now retired, is one of the most special people in my life and she worked in the aged-care sector for pretty much her entire career. My sister works in the aged-care sector. She's a registered nurse in a wonderful facility in the south of Perth. I know that aged-care workers are some of the most dedicated people. They do the job because they love the job. We acknowledge that they aren't the highest paid occupations. They turn up every day because they care about their jobs, they care about the people that they are serving and they really do make a difference. I know they are rewarded by the fact that they are doing wonderful, wonderful work. But we recognise that they have been challenged over this period. The government recognises that and, more importantly, is helping those employers and service providers to retain staff. Having gone through the fatigue of dealing with particularly the pandemic, it's important that they are able to retain as many staff members as they can. This \$800 bonus, spread across a couple of payments, is aimed at really helping them to address that.

It's interesting that there were questions that went to wages. The Labor Party, at least here in the Senate, probably need to check their notes on what has been said in the other place, because Mr Albanese actually said that he supports the process of going through the Fair Work Commission. That's the commission Labor set up. They set up some of that framework that we now have. It's an independent process. Anthony Albanese, the Leader of the Opposition, has not provided any amount that he will go to if he becomes the leader of the government. He hasn't said what it would cost. He hasn't said what impact he would make. Why is that? It's because he is all about politics. He's just about presenting a political narrative rather than actually addressing the issue. If he named a price, he would have to cost it. He doesn't want to do that ahead of an election because his costings are always unfunded— (*Time expired*)

Senator MARIELLE SMITH (South Australia) (15:37): The aged-care sector is in crisis. It is. That is clear for everyone to see. It's clear when you talk to aged-care workers, as I have, and as I know all my colleagues have. But, even if you haven't been bothered to go talk to the workforce and understand what's happening on the ground in their workplaces at the moment, a quick scan of the news headlines will show you the state the sector's in. The number of people dying will show you that the sector is in crisis. There are reports of workers under stress and under strain because of the choices they are being forced to make every single day, when they go into their workplaces, about which of the residents in their care who need their urgent attention they tend to. These reports are not hard to find. In fact, you've heard about them today in question time. You can look at the rollout of boosters and see the significant and critical shortages of jabs in arms to keep people safe. It is not hard to see that this is a sector in crisis. It is not hard.

Indeed, if you are willing to spend time playing word games to prove that it is not in crisis, may I suggest you spend that time talking to a nurse or talking to a worker in aged care. They are at breaking point. They go into work every day trying to care for the residents who have served our country, who have been part of our community and

who deserve to spend this time in their lives living in dignity. These workers who want to provide that to those in their care do not have the support from the minister and the government they need to do their jobs. These are jobs which they are paid a pittance for—\$22 an hour.

And then the government won't even stand up and make a submission on their behalf. We have a government who doesn't care and a minister who goes to the cricket and then comes in here and argues and plays word games around whether or not the sector is in crisis.

This sector is in crisis. People are dying. Workers are struggling. This is a crisis, and it deserves the full attention of the minister. It deserves a minister who shows up to work, who shows up to the committee which is there to hold him accountable and who shows up to this parliament and doesn't go into the ridiculous politics and word games which distract people and run down the clock on his answers in question time. These workers deserve so much more from this government. They deserve more than thanks. They deserve to be paid properly for the work that they do. They deserve to be supported by a broader workforce amongst them—by shifts being filled. They deserve to be supported by having the boosters that will protect them when they go into their workplace each day. They shouldn't have to make the kinds of choices that they have to make every single day. They shouldn't have to make choices about which resident in pain or in distress or in need to go to, but they have to make these choices because there aren't enough staff in this workforce and there isn't enough support from the government.

Denying that this sector is in crisis is an absurd thing to come in here and do. This sector has been struggling since long before this pandemic. The royal commission report was entitled *Neglect*. That was before the pandemic. You overlay these issues on top of a sector which was struggling that much, and then you take a minister and a government more interested in the politics than in supporting the workers caring for our elderly, caring for our aged, and making devastating choices every single day. Those workers deserve so much better, as does every single Australian in aged care.

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (15:42): There's some truth there at the end of Senator Smith's contribution that I'd like to agree with. There is no doubt that the aged-care sector has been under a lot of stress since before the pandemic. There is no doubt that there needs to be more funding for aged care in this country, and, of course, a pandemic, which no-one could have predicted the timing of, was always going to put much stress on that system.

This government, though, has responded to the long years of neglect Senator Smith mentioned. The years of neglect go back through previous governments on both sides of politics, but it was this government that commissioned a royal commission to look at the state of the aged-care sector, warts and all, and it is this government that is responding to that commission with record amounts of additional funding over the years to come. Of course, not every problem or issue can be solved overnight. The problems have emerged over many decades and therefore cannot be solved in a year or two.

That extra funding will have an impact over time, and I'll come to that later. But before I get to that detail I want to acknowledge the commitment, the hard work and the stress that aged-care workers must have gone through over the past two years. It was already a strained and stressful environment for workers in that sector, but to have the extra obligations of being COVID-safe and the extra staff pressures of isolation rules and COVID cases has of course put those people who are on the front lines under great strain. I pay tribute to the work they have done. I believe that, in tough times, that sector as a whole has done the best it could to handle this once-in-a-century pandemic.

There does need to be more funding to improve aged-care centres in this country. There does need to be more money available to attract staff, potentially increasing wages over time to do that, to keep up with the offers that exist now.

The NDIS is another care sector that's been well-funded by this government and that is competing for these types of staff in aged-care centres. We have to respond by offering attractive employment options to those who love the aged-care sector and want to continue to work in it.

That's why the government is putting forward \$18 billion in funding in response to the royal commission. That is going to make a difference over time. It's not going to happen overnight. We have, through the pandemic, put an additional \$600 million into bonuses for staff in the sector, to provide an immediate top-up. But what we need to do over the longer term is to grow incrementally the funding that exists in the aged-care pool such that providers, both public and private, can offer a reasonable and competitive wage to those who work in the sector.

There have been suggestions from the other side in this debate that somehow the government or Canberra bureaucrats here should impose these wages, that they should just unilaterally increase wages across the sector. That's not how our industrial relations system works, nor should it be how it works, because almost invariably we'll get it wrong here in Canberra. We'll stuff it up. If we try to centrally plan every aged-care sector in the country

there'll be enormous perverse outcomes. We'll have wage rates inapplicable to some types of work or some centres in regional areas and there'll be devastation across the land. What we need to do is to respect the industrial relations framework we have through the Fair Work Commission and have viable, well-funded aged-care centres that can respond to that process.

We heard during question time that the Leader of the Opposition, Mr Albanese, knows how the system works. That's what he said in response to it—that we need to let the Fair Work Commission work. But the opposition didn't want to hear. They tried to silence their own leader, the Leader of the Opposition, in question time. Every time the minister tried to say, 'This is what Mr Albanese, the Leader of the Opposition, thinks about how the system thinks, this is what he believes,' the Labor Party would get up and say, 'A point of order: they are quoting our leader. He doesn't know anything. He doesn't know what he's talking about. Why are you quoting Mr Albanese?' They tried to shut it down. I do agree with Mr Albanese's point that we need to have a flexible approach to this industry that provides good funding but allows individual aged-care centres to work with their workforces, customers and aged members of the Australian community to get the best outcomes they can during this pandemic and beyond.

Senator GROGAN (South Australia) (15:47): Minister Colbeck told us today, in this chamber, that he will hold others to account. He will hold to account the Aged Care Quality and Safety Commission, he will hold to account aged-care providers and he will hold to account the opposition. But what he didn't do, what he refused to do, was to acknowledge his responsibilities and to acknowledge the failures—the government's lack of care and support over the pandemic.

The pandemic is not a surprise. We've been at this since early 2019, yet we are seeing the crisis continue—because, yes, aged care is in crisis. This government is incapable of planning. It has been incapable, since 2019, of seeing what devastation can occur with vulnerable people. It is incapable of protecting our vulnerable people. Where were the vaccines to minimise the impact? Where was the PPE to stop the spread? Where was the plan to protect our vulnerable older people?

The aged-care sector is in crisis, and the most crucial issue over time has been that of the workforce, of having a sufficient number of trained people to look after our vulnerable older people. The current crisis and chronic shortages are as a result of almost nine long years of neglect. This government, in 2013, killed off a workforce compact that had been negotiated by Labor to improve the wages of aged-care staff. The work done by Labor while in government included a revamp of aged care. There were significant changes to protect older people, provide choices for older people and improve the wages of staff doing vitally important work in the aged-care sector. When this government came in, in 2013, it scrapped some of the most critical aspects of that reform, and we are seeing the result of that right now.

There are chronic staff shortages. We have older people in residential aged-care facilities right now living in unbearable conditions. Why? Because the pandemic and staff shortages make situations where we have staff looking after up to 60 people. We heard earlier: where do they go? Someone has fallen over, somebody has soiled, somebody needs to be fed or somebody is having a medical situation. How do they appropriate their time when they're looking after 60 people at a time? It is an unconscionable situation. It is a situation that could have been planned for. It is a situation that, as Australians, we should all be embarrassed about.

The standard of care for residents has plunged to alarming new lows, partly because there are staff shortages and partly because we are not looking appropriately at the running of the aged-care sector. More than 500 people in aged care have died during COVID. This is a completely unacceptable situation, and all we have is Minister Colbeck standing in front of us today and not taking any responsibility, defending the fact that he spent three days at the cricket and defending the fact that he hasn't met with various people to deal with this crisis—he has consistently not taken responsibility. The aged-care minister says that the sector is not in crisis, but just about everyone living in it, working in it or looking at it says that it is.

People deserve better; our older people deserve better. When the AMA advised in September 2021 that there was trouble coming, that there were going to be greater challenges with the new variant—and omicron particularly came to bear on that—the government did nothing. They didn't plan and they didn't think about how they were going to protect vulnerable people in this country. They just went about their business, went to the cricket and paid no attention. This situation is a disgrace and we should all be ashamed of the situation we find ourselves in.

Question agreed to.

Asylum Seekers

Senator THORPE (Victoria) (15:52): I move:

That the Senate take note of the responses by the Minister representing the Minister for Home Affairs to my questions today.

I asked about innocent people seeking refuge who are locked up at the Park Hotel prison. Let me make this very clear: they came not in contravention of border protection rules, as the minister made out. May I remind the Senate that our international obligation is to grant protection to people seeking asylum who have been granted refugee status.

The only disrespect that has occurred in question time today is this government's inhumane treatment of people seeking refuge in this country. How can this government claim that this is not locking people up? Locked in one room for up to nine years! A young fellow has been in there since he was 15. It's heartbreaking. He's locked up; he's still there. He has spent his adult life, his whole adult life, in a hotel room against his will, being tortured by the Australian government—tortured! He peeks out the window with a sign, saying: 'Help me, please, let me out. I need fresh air. I want to talk to people. I want to see people. I need food, fresh food, not stale bread.'

And we've even heard about maggots in food.

I just can't believe we live in a country that continues to deny people's human rights and continues to terrorise innocent young people and take away their dignity and their human rights. What kind of people are we as a country if we can do that to a 15-year-old who's still in a room in which he's been locked away for nine years by the Australian government?

I'm sure everyone knows how lockdown has been for us in our homes, with our families, with fresh food. You can go to the park with your dog sometimes. Just think for one moment about these people—these innocent people who came here seeking our help. Think about them for one moment when you're in lockdown, because they don't have the freedoms that you have. They certainly don't have the privilege that you have. Imagine you're in your room for nine years—as privileged as that might be, it is still nine years in there—and you're holding a sign to the window that says, 'Please, let me out.'

This government has no empathy. I don't know what empathy training was done, but maybe we need to improve the training, because there's certainly no regard for human rights. There's certainly no regard for the decent treatment of innocent human beings. I stood outside the Park Hotel as what you would call an activist or a protester. I stood outside that hotel with non-Aboriginal elders who were crying. They were in pain, seeing the pain in these innocent people's eyes as they looked down on them from their window, begging to be free. This is not about activists. This is about freedom for innocent people. *(Time expired)*

Question agreed to.

NOTICES

Presentation

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (15:58): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to various bills, allowing them to be considered during this period of sittings.

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have those statements incorporated in *Hansard*.

Leave granted.

The statements read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS
APPROPRIATION (CORONAVIRUS RESPONSE) BILL (NO. 1) 2021-2022
APPROPRIATION (CORONAVIRUS RESPONSE) BILL (NO. 2) 2021-2022

Purpose of the Bills

The bills will provide legislative authority for appropriations to fund expenditure to be incurred in 2021-2022.

Reasons for Urgency

Passage of these bills by 10 February 2022 will ensure timely support for the Government's COVID-19 response programs and ensure the Commonwealth's ability to meet its obligations in relation to COVID-19 variants through February and March 2022. Should passage not be granted by 10 February 2022 the activities within the response programs to be funded by the bills may be deferred or significantly delayed.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS
CORPORATE COLLECTIVE INVESTMENT VEHICLE FRAMEWORK AND OTHER MEASURES BILL 2021

Purpose of the Bill

The purpose of the Bill is to:

- establish the Corporate Collective Investment Vehicle (CCIV) regime;

- extend the existing temporary loss carry-back measure by 12 months, allowing eligible companies to claim a loss carry back tax offset in the 2022-23 income year;
- include the following organisations on the list of deductible gift recipients (DGRs): the Greek Orthodox Community of New South Wales Ltd, Australian Associated Press Ltd, Virtual War Memorial Limited, and SU Australia Ministries Limited, and extend the specific listings of Cambridge Australia Scholarships Limited and Foundation 1901 Limited; and remove The East African Fund Limited from the current list of DGRs;
- make minor and technical amendments to various laws in the Treasury portfolio to ensure those laws operate in accordance with the policy intent, improve administrative outcomes, remedy unintended consequences and correct technical or drafting defects;
- require trustees of superannuation funds to develop a strategy which outlines how they will assist members to balance key retirement income objectives; and
- remove the cessation of employment taxing point for the tax deferred employee share schemes that are available to all companies.

Reasons for Urgency

Introduction and passage in the Autumn sittings is required to provide certainty to taxpayers, trustees of superannuation funds, and employees, before measures take effect on 1 July 2022. In respect to the CCIV regime in particular, passage in the 2022 Autumn sittings will provide the necessary lead up for the funds management sector to prepare for the establishment and operation of CCIVs from the commencement date of 1 July 2022, as announced in the 2021-22 Budget.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS ELECTORAL LEGISLATION AMENDMENT (FOREIGN INFLUENCES AND OFFENCES) BILL 2022

Purpose of the Bill

The objective of the proposed amendments to the *Commonwealth Electoral Act 1918* is to strengthen the integrity of the electoral communication confidence in Australia's electoral processes by prohibiting foreign persons and entities from authorising electoral matter and either fundraising or directly incurring electoral expenditure, and increasing the penalty for the offence of misleading or deceptive publications.

Reasons for Urgency

The Bill is urgent with the next federal election to be held on or before 21 May 2022. In order for relevant legislative changes to take effect and be implemented by the Australian Electoral Commission before the election, passage will be needed during this sitting period.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS ELECTORAL LEGISLATION AMENDMENT (AUTHORISATIONS) BILL 2022

Purpose of the Bill

The objective of the proposed amendments to the *Commonwealth Electoral Act 1918* is to reduce the potential for voter confusion by streamlining the notifying particulars in electoral authorisations.

Reasons for Urgency

The Bill is urgent with the next federal election to be held on or before 21 May 2022. In order for relevant legislative changes to take effect and be implemented by the Australian Electoral Commission before the election, passage will be needed during this sitting period.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS ELECTORAL LEGISLATION AMENDMENT (COVID ENFRANCHISEMENT) BILL 2022

Purpose of the Bill

The objective of the proposed amendments to the *Commonwealth Electoral Act 1918* is to ensure all voters are able to exercise their franchise by allowing the option to expand the availability of secure telephone voting (a version of which is currently used for blind and low vision voters and voters in the Antarctic) to voters who are unable to attend a polling place in the final 72 hours prior to the close of polls, and after the cut-off for postal vote applications, because they have tested positive to COVID-19, are a close/household contact of a positive case, or have otherwise been directed to self-isolate or quarantine under a public health order. This amendment is temporary and will be automatically repealed on 31 December 2022.

Reasons for Urgency

The Bill is urgent with the next federal election to be held on or before 21 May 2022. In order for relevant legislative changes to take effect and be implemented by the Australian Electoral Commission before the election, passage will be needed during this sitting period.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2021 SPRING SITTINGS NATIONAL DISABILITY INSURANCE SCHEME AMENDMENT (PARTICIPANT SERVICE GUARANTEE AND OTHER MEASURES) BILL

Purpose of the Bill

The bill gives effect to the Government's election commitment to legislate the Participant Service Guarantee following the practical completion of the NDIS rollout in 2020. The Bill also implements other recommendations of the 2019 Review of the *National Disability Insurance Scheme Act 2013* (the NDIS Act) (the Tune Review) to improve participant experiences in the NDIS, increase flexibility and reduce administrative red tape.

Reasons for Urgency

Passage of the bill in the 2022 Autumn sittings will give effect to the Government's commitment to legislate the Participant Service Guarantee and improve the NDIS.

The measures in the Bill will implement recommendations of the Tune Review, which was an independent review of the NDIS Act informed by extensive stakeholder consultation. The Bill was also subject to a period of consultation and was updated following concerns raised during consultation.

Urgent passage of the Bill in the 2022 Autumn sittings will allow for these essential improvements that will benefit current and future participants, their carers and families to be implemented as soon as possible.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN SITTINGS PARLIAMENTARY WORKPLACE REFORM (SET THE STANDARD MEASURES NO.1) BILL 2022

Purpose of the Bill

To respond to recommendations 17 and 24 in the *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Jenkins Report).

The reforms in the legislative package will ensure Commonwealth Parliamentary Workplaces are safe and respectful and that the nation's Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The Bill will:

- amend the *Members of Parliament (Staff) Act 1984* (MoP(S) Act) to clarify the law concerning the termination of employment of MoP(S) staff (recommendation 17)
- amend the *Work Health and Safety Act 2011* (WHS Act) to clarify the duties owed by parliamentarians by specifying that parliamentarians are 'officers' for the purposes of the WHS Act (recommendation 17)
- amend the *Age Discrimination Act 2004* and the *Disability Discrimination Act 1992* to clarify that those laws apply to staff employed under the MoP(S) Act (recommendation 24).

Reasons for Urgency

The Report was tabled on 30 November 2021 and recommended commencing progress on the reforms in this legislative package within three months of tabling.

The Bill will progress important reforms to help ensure that Commonwealth Parliamentary Workplaces are workplaces where expected standards of behaviour are modelled, championed and enforced, and where diversity is respected and encouraged.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2022 AUTUMN RELIGIOUS DISCRIMINATION BILL 2021 RELIGIOUS DISCRIMINATION (CONSEQUENTIAL AMENDMENTS) BILL 2021 HUMAN RIGHTS LEGISLATION AMENDMENT BILL 2021

Purpose of the Bills

Religious Discrimination Bill 2021

This Bill introduces a new piece of federal anti-discrimination legislation to make it unlawful to discriminate against a person on the basis of that person's religious belief or activity (including lack of belief). In addition, the Bill establishes the statutory position of the Freedom of Religion Commissioner in the Australian Human Rights Commission.

Religious Discrimination (Consequential Amendments) Bill 2021

This Bill makes amendments to a range of existing Acts consequential to the Religious Discrimination Bill 2021.

Human Rights Legislation Amendment Bill 2021

The Human Rights Legislation Amendment Bill amends existing Commonwealth legislation to implement recommendations of the Religious Freedom Review, including to better protect the right to freedom of religion. Amended acts include:

- Age Discrimination Act 2004
- Charities Act 2013
- Disability Discrimination Act 1984
- Sex Discrimination Act 1984
- Marriage Act 1961
- Racial Discrimination Act 1975

Reasons for Urgency

In 2019 the Australian Government made an election promise to pass religious discrimination legislative protections, in response to the recommendations of the Report of the Religious Freedom Review. The Religious Discrimination legislation will address a gap in the Commonwealth anti-discrimination framework and render it unlawful to discriminate on the basis of a person's religious belief or activity. The Religious Discrimination Bill will ensure that religious belief and activity is protected in the same manner as other existing attributes covered by anti-discrimination law, including race, age, disability and sex. The passage of the religious discrimination legislative package is a key priority for this term of government.

Presentation

Senator Chandler to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to sex discrimination in sport, and for related purposes. *Sex Discrimination and Other Legislation Amendment (Save Women's Sport) Bill 2022*.

Senator Whish-Wilson to move on the next day of sitting:

(1) That there be laid on the table by the Minister representing the Minister for Agriculture and Northern Australia, by no later than 17 February 2022, the final report (or any reasonable equivalent to such an outcome report) for the 'Understanding and mapping the Tasmanian public perception to Atlantic Salmon farming' (project number 2018-217) as reported on the Fisheries Research and Development Corporation website.

(2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

Senator Whish-Wilson to move on the next day of sitting:

That—

(1) There be laid on the table by the Minister representing the Minister for Industry, Energy and Emission Reduction, by no later than 17 March 2022, the following documents:

- (a) the application made by Ridley Agriproducts Pty Ltd in respect of the Cooperative Research Centres Programme grant award GA72953 ('Future-proofing the salmon farming industry in the face of climate change');
- (b) the assessments of the grant applications for GA72953, including any independent viability assessment;
- (c) the grant agreement in respect of grant award GA72953;
- (d) the payment schedule for the grant award GA72953;
- (e) any progress reports, ad-hoc reports and completion report submitted in respect of grant award GA72953;
- (f) any financial declaration and audited financial acquittal report submitted in respect of grant award GA72953;
- (g) any grant agreement variation submitted in respect of grant award GA72953;
- (h) any record of compliance visits in respect of grant award GA72953; and
- (i) the evaluation/s completed in respect of grant award GA72953.

(2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

Senator Sheldon to move on the next day of sitting:

That the time for the presentation of the final report of the Select Committee on Job Security be extended to 30 March 2022, so that the committee may inquire into possible privilege matters, including to:

- (a) investigate allegations raised in relation to the treatment of seasonal workers who gave evidence at the committee's public hearing on 2 February 2022;
- (b) ascertain the facts in the matter; and
- (c) report any findings to the Senate.

Senator Whish-Wilson to move on the next day of sitting:

That—

(1) There be laid on the table by the Minister representing the Minister for the Environment, by no later than 17 March 2022, the submissions made in respect of the public consultation on the proposed changes to conservation planning decisions, as advertised on the Department of Agriculture, Water and the Environment website, which were open from 17 September to 2 November 2021, relating to the following flora and fauna:

- (a) the Tasmanian devil (*Sarcophilus harrisii*);
- (b) Giant Kelp Marine Forests of south east Australia;
- (c) Whale shark (*Shincodon typus*);
- (d) Lowland Native Grasslands of Tasmanian; and
- (e) Subtropical and Temperate Coastal Saltmarsh.

(2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

Senator Roberts to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the *Fair Work Act 2009*, and for related purposes. *Fair Work Amendment (Equal Pay for Equal Work) Bill 2022*.

Senator Watt to move on the next day of sitting:

That—

(a) there be laid on the table by the Minister representing the Treasurer by no later than Tuesday, 15 February 2022:

(i) cat modelling or any other modelling provided to the Government during the consultation process for the establishment of the cyclone and related flood damage reinsurance pool, and

(ii) any other documentation that shows the figures used to make claims by the Government that savings or cost increases for insurance consumers will be achieved by the introduction of the cyclone and related flood damage reinsurance pool; and

(b) if the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

Senator Watt to move on the next day of sitting:

That—

(1) The Senate requires that, at its examination of the 2021-22 additional estimates on Wednesday, 16 February 2022, the Community Affairs Legislation Committee examine the entirety of Department of Health Outcome 3: Ageing and Aged Care prior to commencing the examination of any other outcomes, programs, or portfolio agencies.

(2) This requirement may be altered by unanimous agreement of members of the committee.

Senator Waters to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes. *Electoral Legislation Amendment (Fairer Contracts and Grants) Bill 2022*.

Senator Ruston to move on the next day of sitting:

That on Tuesday, 29 March 2022 the hours of meeting be midday to 6.30 pm and 8.30 pm to adjournment and the routine of business from 8.30 pm be:

(a) Budget statement and documents 2022-23; and

(b) adjournment.

Senator Ruston to move on the next day of sitting:

That on Tuesday, 29 March 2022, the notices of motion proposing the disallowance of the following instruments be called on together after formal motions, or at 5.30 pm, whichever is earlier, and the question be put after 30 minutes:

(a) Aged Care Legislation Amendment (Royal Commission Response No. 1) Principles 2021;

(b) Australian Renewable Energy Agency (Implementing the Technology Investment Roadmap) Regulations 2021; and

(c) Great Barrier Reef Marine Park Amendment (No-Anchoring Areas) Regulations 2021.

Senator Hanson to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Health and Aged Care, by no later than 2 pm on 29 March 2022, all correspondence relating to the use of behavioural psychologists in respect of developing the strategy for the COVID-19 vaccine rollout, specifically aimed at developing an effective tool to induce acceptance of lockdowns and other restrictions.

Senator Duniam to move on the next day of sitting:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Appropriation (Coronavirus Response) Bill (No. 2) 2021-2022

Corporate Collective Investment Vehicle Framework and Other Measures Bill 2021

Electoral Legislation Amendment (Foreign Influences and Offences) Bill 2022

Electoral Legislation Amendment (Authorisations) Bill 2022

Electoral Legislation Amendment (COVID Enfranchisement) Bill 2022

National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill 2021

Parliamentary Workplace Reform (Set the Standard Measures No. 1) Bill 2022

Religious Discrimination Bill 2021

Appropriation (Coronavirus Response) Bill (No. 1) 2021-2022

Religious Discrimination (Consequential Amendments) Bill 2021

Human Rights Legislation Amendment Bill 2021.

Withdrawal

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (15:59): At the request of Senator Rennick, I withdraw general business notice of motion No. 1261 standing in his name for today proposing the establishment of a Senate committee.

Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:

Business of the Senate notice of motion no. 3 standing in the name of Senator Rice for today, proposing a reference to the Environment and Communications References Committee, postponed till 29 March 2022.

General business notice of motion no. 1303 standing in the names of Senator McKim for today, proposing that a bill be discharged from the *Notice Paper*, postponed till 10 February 2022.

The PRESIDENT (16:00): I remind senators that the question may be put on any proposal at the request of any Senator.

Withdrawal

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:00): I gave notice yesterday of my intention to withdraw one of the business of the Senate notices of motion. I withdraw business of the Senate notice of motion No. 5 on today's *Notice Paper*.

CONDOLENCES

Garland, Hon. Sir Ransley Victor (Vic) KBE

The PRESIDENT (16:00): It is with deep regret that I inform the Senate of the death on 1 January 2022 of the Hon. Sir Ransley Victor 'Vic' Garland KBE, a former minister and member of the House of Representatives for the division of Curtin, Western Australia, from 1969 to 1981.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (16:01): by leave—I move:

That the Senate expresses its sadness at the death, on 1 January 2022, of the Honourable Sir Victor Garland KBE, former Minister for Supply, Minister for Post and Telecommunications, Minister for Veterans' Affairs and Minister for Special Trade Representations, and former member for Curtin, places on record its gratitude for his service to the Parliament and the nation, and tenders its sympathy to his family in their bereavement.

We take the opportunity here today to remember the life of the former member for Curtin Sir Ransley Victor Garland KBE, a man who served as a minister in the McMahon and Fraser governments and who would go on to become the Australian High Commissioner to the United Kingdom. Sir Victor Garland was first elected to the parliament in 1969 as the member for Curtin, a seat he would represent until his resignation from the House of Representatives in 1981. During this time he was re-elected at five different elections by the people of Curtin, a vote of confidence in his ability to effectively represent the beachside Perth electorate.

Victor was a Western Australian through and through. Born in 1934, he grew up in Perth, gaining his education at Hale School before completing a Bachelor of Arts at the University of Western Australia, majoring in economics. Following in his father's footsteps, Victor practised as a chartered accountant from 1958 until his election to parliament in 1969. During his professional life, Victor maintained an active involvement in the community he grew up in, serving in a number of charities and on the Claremont town council from 1963 until 1970. During this time, he also maintained an active involvement in the Liberal and Country League of Western Australia—later, of course, known as the WA Division of the Liberal Party of Australia—where he held the position of senior vice-president.

Following his election to the parliament in 1969, in his first speech to the House of Representatives, Victor paid tribute to the sacrifices of his parents and the opportunities that he was fortunate enough to have by virtue of their hard work. He acknowledged former Prime Minister John Curtin, after whom his electorate was named, and his predecessor as the member for Curtin, Sir Paul Hasluck, the 17th Governor-General of Australia. Sir Victor strongly admired the contributions these two sons of Western Australia made, perhaps foreshadowing, in a way, his own immense contributions to come.

Sir Victor was a man who knew what he had come to parliament to fight for, highlighting in his maiden speech that he believed his electors wanted him 'to have an eye to the interests not only of Curtin but of Western Australia when those interests are rightly involved in the national interest'. He added:

... I think my electors want me to act in the interests of Australia, in which each State is an integral part of the Federation, an Australian nation with rising strength, importance and responsibilities.

Sir Victor Garland understood at core the meaningful impact of our shared liberal values in the economic and social prosperity of Australia—those basic tenets of individual freedom and free enterprise, that businesses and individuals are the true creators of wealth and employment. He highlighted this in his maiden speech, stating:

It is as important to the growth of the country that initiative, inventiveness and resourcefulness should be encouraged as it is to have a fair sharing of the nation's wealth, for history shows that the best societies, the richest, the most efficient and the most satisfying in which to live, are those in which individual initiative is allowed a wide scope of expression and where innovation, striving and ambition are not stifled.

Sir Victor had a quick rise in his political journey, becoming the Minister for Supply in the McMahon government at the age of just 37, a position he would hold from 1971 until the 1972 election. In 1975, after the coalition's historic victory, Victor Garland was again appointed as a minister, this time as Minister for Post and Telecommunications, and as Assistant Treasurer. The latter position provided him with a primary role in forming economic policy at a critical time for the newly elected Fraser government. Under Malcolm Fraser's leadership, Victor would also serve as Minister for Veterans' Affairs, Minister for Special Trade Representations and Minister for Business and Consumer Affairs.

As Minister for Special Trade Representations, Victor Garland undertook significant negotiations with the European Community—something to which I can relate; I equally understand the challenges that can be involved. He continued this work post-politics upon his appointment as Australia's High Commissioner to the United Kingdom, a position he held from 1981 to 1983. Testament to his contribution and service at the highest level of public office, Victor Garland was knighted in 1982.

Sir Victor Garland is remembered for the liberal values he not just believed in but lived out in his approach to public policy. In the same way that Sir Victor honoured those who came before him, the sacrifices of the men and women who built Australia, we honour Sir Victor for his contributions to our nation. He was a proud Western Australian, proud of where he came from, who believed in the infinite potential of Australia. This was emphasised by his powerful words: 'No-one will now dare say that any objective is not possible for Australia.' Indeed, that is true; any objective is possible for our nation, a nation with ambition and so much pride in all that we seek to achieve.

On behalf of the Australian government and the Australian Senate, I extend our sincerest condolences to Sir Victor Garland's family and our thanks for his service to our party and to the nation.

Senator McALLISTER (New South Wales) (16:07): I rise on behalf of the opposition to express our condolences following the passing of the Hon. Sir Ransley Victor Garland KBE, a former minister. I note that he passed at the age of 87. As I begin, I wish to convey the opposition's condolences to his family and friends.

Sir Victor Garland, who I understand was widely known as Vic, lived a life that combined contributions to the private sector with public service. He went from local government to federal government, serving as a minister under prime ministers William McMahon and Malcolm Fraser. From this platform he would go on to represent the nation as its high commissioner in London, before contributing extensively as a member of private company boards in the United Kingdom and returning to Perth 15 years ago. He was not easily characterised as either a progressive or a conservative within his party. He instead took a pragmatic and constructive approach to politics and policy, and he routinely sought to make the best of whatever opportunity he had.

Sir Victor was born in 1934 and grew up in Perth. An alumnus of a state primary school, the prestigious Hale School, and the University of Western Australia, from which he graduated with a Bachelor of Arts, majoring in economics, he entered the accounting profession. In doing so he followed in the footsteps of his father, practising as a chartered accountant from 1958 until he entered federal parliament. At the same time he was also an active member of his community, particularly through his service in local government, eventually becoming deputy mayor of the town of Claremont. At the same time, he had been active in the Western Australian division of the Liberal Party, holding offices, including that of senior vice-president, as well as being a member of the Federal Council of the Liberal Party.

When Paul Hasluck resigned from the House of Representatives in 1969 to become Governor-General of Australia, Sir Victor Garland succeeded him as the member for Curtin.

I note that in his first speech he was quite generous in acknowledging the significance of both Sir John Curtin, his namesake in the seat, and his predecessor, Mr Hasluck. The seat is named for the great Labor Prime Minister. It is situated in Perth's affluent beachside suburbs and has been a comfortably Liberal seat over many decades. When he made his first speech, Sir Victor acknowledged John Curtin, as I said. He said:

John Curtin was a man who, in times of great difficulty, drew credit to himself and, indeed, to his associates by his straightforwardness and fine qualities which caused him to tread the highest path of duty.

It was a magnanimous contribution about another person from the other side of politics.

Sir Victor said he felt the awe and honour of being elected a member of the House of Representatives and, unusually for the time, he specifically acknowledged the women who were active in his electorate, working, as he said, 'for the principles in which they believe'. He was preoccupied by the international affairs of the time, remembering that Australia was fully engaged in the Vietnam War. He spoke of his concerns about the increase in nuclear and non-nuclear aggression, as well as the role of China, which echoes some sentiments more recently expressed. Understandably for someone of his political persuasion, he emphasised the need for the support of the growth and development of non-Communist Asian states. He also praised the creation of regional institutions such as the Asian Development Bank and the Asia and Pacific Council. He noted that the economic growth of South-East Asian countries was dependent on their ability to provide social justice, recognising that this was something to which Australia could contribute, and he praised budget commitments for aid and assistance for education in the region.

He supported increases in defence funding, but he believed they must also be accompanied by increases in the aid budget. He called for Australia's growing wealth to be shared with neighbours in our region, noting we needed to accept our responsibility but also that increasing Australia's participation and leadership would come with the benefit of stronger relationships with South-East Asian countries. These were prescient comments, and indeed they are still relevant today. As Sir Victor said, security and economic development are two sides of the same coin.

Perhaps fittingly for someone elected to a seat of such significance, Sir Victor Garland spent very little time on the back bench before he was called upon to serve as a minister. He first entered the ministry in the McMahon government in 1971 as Minister for Supply, a portfolio that encompassed a wide range of responsibilities that we would now largely associate with the industry and resources minister. He added Minister Assisting the Treasurer to his duties before the defeat of that government at the end of 1972, when Gough Whitlam led Labor into power for the first time since 1949. That took Sir Victor into opposition. In the ensuing three years he held shadow portfolios, including spokesperson on the Public Service and the Australian Capital Territory as well as being chief opposition whip in the House of Representatives. This latter role was not one he especially sought, but it seemed it did enable him to make use of his number-counting skills behind the scenes. I was intrigued to read in the *Adelaide Advertiser* that this involved something of a personal metamorphosis. It reported: 'Mr Garland developed a reputation for a certain aloofness when he became supply minister during the final 12 months of the McMahon government because of the fairly formal way that he ran his portfolio. The image changed quite dramatically during the three years of the Labor government. Mr Garland made a point of getting to know press men and Parliament House workers and often attended the late-night round of parties that made Parliament House swing during the sitting weeks.' It was an intriguing metamorphosis.

He was a conspicuous supporter of Malcolm Fraser when Fraser successfully seized the leadership of the Liberal Party and the opposition from Billy Snedden. This led to a return to the front bench for Sir Victor when Mr Fraser became Prime Minister at the end of 1975. This was a personally challenging period. He resigned his new ministry early in 1976 after being the subject of electoral bribery charges which were dismissed by a magistrate. His exile lasted 19 months. Between 1977 and 1980, he went on to hold portfolios including veterans' affairs, special travel representations, business and consumer affairs, and assisting with industry and commerce. With his accounting background and previous experience in the treasury portfolio, he was particularly well suited to these economic portfolios. In these roles, he represented Australia overseas on numerous occasions and pursued policy reforms ranging from tariff implementation to increased customs vigilance, competition regulation and consumer education.

His tenure as a minister came to an end when he accepted an appointment as Australia's high commissioner to the United Kingdom in London at the end of 1980.

He began his new role in 1981 and served until 1983. His previous experience, particularly in the trade portfolio, meant he was well placed to take up the diplomatic position. In 1982, he was made Knight Commander of the Order of the British Empire. At the conclusion of his term, he remained in the United Kingdom for an extended period of time. He took up positions on a number of corporate boards, making a substantial contribution in a range of areas. He returned to Perth in 2007.

Sir Victor Garland was one of the last surviving ministers of the McMahon government. With his passing, Tom Hughes is the only remaining Liberal member of that ministry. As we mark Sir Victor's death, we again pause to reflect, as we did yesterday in expressing our condolences following the death of Donald Grimes, on the diminishing number of living members of the governments that led Australia through the 1970s and 1980s. In doing so, we consider the impact of those governments in shaping the nation we are today.

Through his roles in both the McMahon and Fraser governments, Sir Victor made a contribution to building modern Australia. He would go on to represent our nation overseas, capping his Public Service career in this country first with service to Australia in the United Kingdom and then with service to that country as well. The opposition

expresses our condolences following the passing of Sir Victor Garland, and we again convey our sympathies to his family and friends.

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (16:16): On behalf of my Western Australian Senate colleagues, I would like to associate myself with the remarks of the Leader of the Government in the Senate, Senator Birmingham, and those of Senator McAllister. Unfortunately, I never met Vic Garland—as he was affectionately known across the Western Australian Liberal Party—but he is testament to the strength of the Western Australian Liberal Party. Over many years, we have sent people from the comfortable suburbs of Curtin to our national parliament and they have served us with distinction—Allan Rocher, who was a member of the Senate for a short time; Julie Bishop; and Sir Paul Hasluck. And Celia Hammond follows in those esteemed footsteps.

What is often overlooked is that, for a brief period, Vic Garland worked closely with another famous Western Australian, Sir Billy Snedden, whom we don't often think of as a Western Australian. Sir Billy was born in West Perth, educated at the University of Western Australia and was the inaugural chairman of the Young Liberal Movement of Australia. In listening to the contributions from Senator Birmingham and Senator McAllister, those of us from Western Australia have been reminded of the strength of the WA division and the very strong role we have played in sending very credible, competent people to our national parliament—and, indeed, to the prize of all prizes, the high commissioner post in London. On behalf of the Western Australian senators, and all members of the Western Australian Liberal Party, I associate myself with those remarks and send our condolences.

Question agreed to, honourable senators standing in their places.

COMMITTEES

Education and Employment Legislation Committee

Reference

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

That the Australian Research Council Amendment (Ensuring Research Independence) Bill 2018 be referred to the Education and Employment Legislation Committee for inquiry and report by 15 March 2022.

Question agreed to.

BILLS

Electoral Legislation Amendment (Foreign Influences and Offences) Bill 2022

Electoral Legislation Amendment (Authorisations) Bill 2022

Electoral Legislation Amendment (COVID Enfranchisement) Bill 2022

First Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:19): I move:

That the following bills be introduced: A Bill for an Act to amend the law relating to elections and referendums in respect of electoral communication and expenditure of foreign campaigners, and offences, and for related purposes; a Bill for an Act to amend the law relating to elections, referendums and broadcasting in respect of authorising matter, and for related purposes; and a Bill for an Act to amend the law relating to elections in respect of the enfranchisement of persons in self-isolation or quarantine due to COVID-19, and for related purposes.

Question agreed to.

Senator DUNIAM: I present the bills and move:

That these bill may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:20): I table the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in *Hansard*.

Leave granted.

The speeches read as follows—

The speeches were unavailable at the time of publishing

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Parliamentary Workplace Reform (Set the Standard Measures No. 1) Bill 2022

First Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:21): I move:

That the following bill be introduced: A Bill for an Act to amend the law in relation to parliamentary workplaces, and for related purposes.

Question agreed to.

Senator DUNIAM: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:22): I table the explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

The speech was unavailable at the time of publishing

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

DOCUMENTS

Animal Welfare

Order for the Production of Documents

Senator FARUQI (New South Wales) (16:22): I seek leave to amend general business notice of motion No. 1304.

Leave granted.

Senator FARUQI: I move the motion as amended:

That—

(a) there be laid on the table by the Minister representing the Minister for Agriculture and Northern Australia, by no later than Thursday, 17 February 2022, all animal welfare incident reports held by the Department of Agriculture, Water and the Environment which were generated by abattoir management personnel and/or on-plant veterinarians at export-registered abattoirs between 1 January 2020 and 31 December 2021.

(b) if the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:23): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government will not oppose this motion. The government will aim to meet the requested deadline, noting that the reports will first need to be centrally collated by the Department of Agriculture, Water and the Environment, and in addition the reports will require assessment and redaction to ensure that private information is not unreasonably disclosed and/or that any disclosure does not impact on any ongoing regulatory consideration by either a state or territory agency or indeed the department.

Question agreed to.

Myanmar

Order for the Production of Documents

Senator RICE (Victoria—Deputy Australian Greens Whip) (16:23): I move:

That there be laid on the table by the Minister for Foreign Affairs, by no later than 2 pm on 29 March 2022:

(a) a list of any briefings provided by the Department of Foreign Affairs and Trade or other agencies about the attendance of Myanmar military officials at the ASEAN-Australia Informal Defence Ministers' Meeting, the ASEAN Defence Ministers Meeting Plus and the Experts' Working Groups;

(b) a list of any meetings or phone calls between Vice Admiral David Johnston and the junta's Vice Senior General Soe Win; and

(c) a list of meetings between the Defence Attache and the defence section of the Australian Embassy in Myanmar with Tatmadaw personnel.

Question agreed to.

BILLS

Electoral Legislation Amendment (Voter Identification) Bill 2022

First Reading

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (16:24): I move:

That the following bill be introduced: A Bill for an Act to amend the law relating to elections and referendums in respect of voter identification and to provide for application of the amendments. *Electoral Legislation Amendment (Voter Identification) Bill 2022*.

Question agreed to.

Senator McGRATH: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (16:25): I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

We are blessed to live in one of the oldest and most successful democracies in the world. The strength of our electoral system works because over a century a lot of people, paid and unpaid, have worked to make it so through blood, sweat and tears.

Our system relies on openness and transparency. Elections should not only be fair, open, and transparent, but seen to be so. We must always work to fine-tune our electoral system.

There is currently no requirement for Australians to produce voter identification when participating in federal elections, making our electoral system vulnerable to manipulation.

If it is within the power of this Parliament to remedy flaws and vulnerabilities in our electoral system, then it should do so.

Addressing vulnerabilities in our electoral system and ensuring the sanctity of the ballot should be an issue that transcends party lines.

As Chair of the Joint Standing Committee on Electoral Matters, I am pleased to present the Electoral Legislation Amendment (Voter Identification) Bill 2022, which will introduce Voter ID in federal elections.

The measures in this Bill mirror those in the Electoral Legislation Amendment (Voter Integrity) Bill 2021 and will bring the Australian electoral system into line with voter identification practices of other liberal democracies such as Canada and Sweden.

This Bill introduces a definition of 'proof of identity document' into the *Commonwealth Electoral Act 1918*, and the *Referendum (Machinery Provisions) Act 1984*, which include a broad range of acceptable identification, including digital equivalents.

The definition of what constitutes a proof of identity document is reasonable and proportionate to ensure that voter identification is accessible to all voters.

Should an elector fail to provide a proof of identity document, then this Bill prescribes how another enrolled elector can attest to that person's identity. Alternatively, the person claiming to vote may instead cast a provisional vote as per the normal declaration process.

A voter will never be denied the opportunity to vote.

This Bill works to improve our electoral system and responds recommendations of the Joint Standing Committee on Electoral Matters reports into the conduct of the 2013, 2016 and 2019 elections, that demonstrate that there is grave community concern about the lack of voter identification required at elections, undermining confidence in our electoral system.

The amendments introduced by this Bill will increase confidence in our electoral system, ensure democratic processes aren't exploited, and provide an obstacle to those who would seek to manipulate it.

Australians should be exercising their franchise accurately, and in the way intended - only once.

This Bill, and the amendments it introduces, is imperative to restoring confidence in our electoral system.

I commend the Bill to the Senate.

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

Leave granted; debate adjourned.

DOCUMENTS

Australian Public Service

Order for the Production of Documents

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:26): I move:

(1) That there be laid on the table by the Minister for Finance, by no later than the last day of each financial quarter:

- (a) details of all requests by government agencies for tenders for consultancy services in the previous quarter;
- (b) details of all consultancy contracts entered into by government agencies in the previous quarter with:
 - (i) Ernst & Young,
 - (ii) PwC,
 - (iii) Deloitte,
 - (iv) KPMG,
 - (v) McKinsey,
 - (vi) Boston Consulting Group,
 - (vii) Accenture, and
 - (viii) any other consultancy organisation in relation to contracts valued at more than \$50,000,

including the purpose, scope, value, commencement and expected completion dates for each contract; and

(c) any final report or written advice prepared by consultancy firms listed in paragraph 1(b) received by a government agency in the previous quarter.

(2) If the Senate is not sitting when the documents are ready for presentation, the documents are to be presented to the President under standing order 166.

(3) This order is of continuing effect.

Senator McALLISTER (New South Wales) (16:26): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McALLISTER: Labor is deeply troubled by the explosion in the use of external labour under the Morrison government, including consultants. Driven by the government's arbitrary and damaging staffing cap, this expenditure is not only wasteful but it also undermines the capability of the Australian Public Service. We are also deeply concerned by the Morrison government's approach to transparency, including in procurement and its engagement of external labour. That is why we have already announced plans to improve the disclosure of contracts on AusTender along with reforms to better track spending and contract extensions. While we appreciate the intent behind this motion, Labor has a number of concerns, including the scope of the private commercial information being sought, the failure to address PII and the identification of private firms in a continuing order of the Senate. We will not be supporting the motion.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:27): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The motion would represent an unreasonable diversion of resources requiring reconfiguration of data that's already published on a more regular basis on AusTender. It incorrectly assumes that the main consultancy firms are identical for all portfolios. The transparency.gov.au website already publishes data on the largest consultancy contracts for all agencies, with top-ranked suppliers differing for many agencies. The last limb of the motion seeks documents that are usually protected by a diverse range of legitimate public interest immunities. It would be an unreasonable diversion of resources to perform immunity reviews, consultations and redactions on every such report when it's open to the Senate to seek only those documents of interest. This diversion of resources will subtract from frontline public services.

The PRESIDENT: The question is that the motion moved by Senator Waters be agreed to.

The Senate divided. [16:32]

(The President—Senator Brockman)

Ayes.....10
Noes.....30
Majority.....20

AYES

Cox, D.
McKim, N. J. (Teller)
Steele-John, J. A.
Whish-Wilson, P. S.

Faruqi, M.
Rice, J. E.
Thorpe, L. A.

Hanson-Young, S. C.
Roberts, M. I.
Waters, L. J.

NOES

Abetz, E.
Brockman, W. E.
Chandler, C.
Duniam, J. R.
Hughes, H. A.
McDonald, S. E.
McMahon, S. J.
O'Sullivan, M. A.
Ruston, A.
Stoker, A. J.

Bilyk, C. L.
Canavan, M. J.
Colbeck, R. M.
Fierravanti-Wells, C. A.
Hume, J.
McGrath, J.
Mirabella, G.
Paterson, J. W.
Seselja, Z. M.
Urquhart, A. E. (Teller)

Bragg, A. J.
Carr, K. J.
Davey, P. M.
Henderson, S. M.
McAllister, J. R.
McLachlan, A. L.
Molan, A. J.
Pratt, L. C.
Smith, D. A.
Van, D. A.

Question negatived.

COVID-19: International Travel
Order for the Production of Documents

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:34): At the request of Senator Keneally, I move:

That—

(a) there be laid on the table by the Minister representing the Prime Minister, by no later than 2 pm on Thursday, 10 February 2022, all correspondence between the Prime Minister, the Minister for Home Affairs, the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Minister for Health and Aged Care, the Minister for Sport, and their offices, between 1 November 2021 and 20 January 2022 related to:

- (i) player entry and vaccination requirements for the Australian Open, including vaccine exemptions, and
- (ii) Mr Novak Djokovic; and

(b) the correspondence ordered at paragraph (a) includes, but is not limited to, emails, letters, text messages, iMessages and messages sent via online or encrypted messaging applications.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:34): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The decisions and actions of government are on the public record. The Morrison government will continue to ensure that those who cross our border comply with our laws and requirements, and we will remove those who don't. The government welcomed the Federal Court's decision to uphold the immigration minister's cancellation of Mr Djokovic's visa on public interest grounds.

Senator HANSON (Queensland—Leader of Pauline Hanson's One Nation) (16:35): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator HANSON: The issue around Novak Djokovic was a sorry episode in the story of the pandemic. He met the entry requirements, and the courts backed him when the government decided to shift the goalposts. Then they kicked Djokovic out anyway, on the basis that his views were a threat to public health and good order—not whether he actually had COVID. What rubbish. From the beginning of the pandemic to June last year, Scott Morrison let more than 1.67 million people into Australia, and nearly all of them were unvaccinated. They brought delta and omicron with them.

The government's hypocrisy over Djokovic was stunning. Pretending his views were a threat that justified his deportation showed the contempt that this government has for the intelligence of the Australian people, and that's why I back the Australian people outside the parliament in recent days protesting about vaccine mandates. Labor have a lot to answer for as well, because they supported the government on the handling of Djokovic. *(Time expired)*

The PRESIDENT: The question is that motion 1307 be agreed to.

The Senate divided. [16:41]

(The President—Senator Brockman)

Ayes.....25
Noes.....25
Majority.....0

AYES

Carr, K. J.	Chisholm, A.	Ciccone, R.
Cox, D.	Dodson, P.	Farrell, D. E.
Faruqi, M.	Griff, S.	Hanson-Young, S. C.
Kitching, K. J. E.	McAllister, J. R.	McCarthy, M.
McKim, N. J.	O'Neill, D. M.	Patrick, R. L.
Pratt, L. C.	Rice, J. E.	Smith, M. F.
Steele-John, J. A.	Thorpe, L. A.	Urquhart, A. E. (Teller)
Walsh, J. C.	Waters, L. J.	Watt, M. P.
Whish-Wilson, P. S.		

NOES

Bragg, A. J.	Brockman, W. E.	Canavan, M. J.
Cash, M. C.	Chandler, C.	Davey, P. M.
Duniam, J. R.	Fierravanti-Wells, C. A.	Henderson, S. M.
Hughes, H. A.	Hume, J.	Lambie, J.
McDonald, S. E.	McGrath, J. (Teller)	McLachlan, A. L.
Mirabella, G.	Molan, A. J.	O'Sullivan, M. A.
Paterson, J. W.	Payne, M. A.	Ruston, A.
Seselja, Z. M.	Smith, D. A.	Stoker, A. J.
Van, D. A.		

PAIRS

Ayres, T.	Rennick, G.
Bilyk, C. L.	Fawcett, D. J.
Brown, C. L.	Colbeck, R. M.
Gallagher, K. R.	McKenzie, B.
Green, N. L.	Askew, W.
Grogan, K.	Antic, A.

Keneally, K. K.
 Lines, S.
 Polley, H.
 Sheldon, A. V.
 Sterle, G.
 Wong, P.

Birmingham, S. J.
 McMahon, S. J.
 Small, B. J.
 Abetz, E.
 Scarr, P. M.
 Reynolds, L. K.

Question negatived.

MOTIONS

Minister for Senior Australians and Aged Care Services

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:44): At the request of Senator Watt, I move:

That—

(a) the Senate requires the Minister representing the Prime Minister to attend the Senate at 9.30 am on Thursday, 10 February 2022 to provide a detailed explanation as to why the Minister for Senior Australians and Aged Care Services remains the Minister for Senior Australians and Aged Care Services;

(b) any senator may move to take note of the explanation required by paragraph (a); and

(c) any motion under paragraph (b) may be debated for no longer than 30 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 5 minutes each.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Industry Development) (16:44): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Minister Colbeck has supported and always will support the important work of the aged-care sector. Since the beginning of the COVID-19 pandemic, the Australian government has provided more than \$2.5 billion to support senior Australians in aged care.

More than \$1.5 billion of this investment has been made available to support the aged-care workforce. The Australian government is determined to ensure a safe environment exists in aged-care facilities and is continuing to work with aged-care providers and state and territory public health authorities to support arrangements to manage infection control and COVID-19 outbreaks in aged care.

The PRESIDENT: The question is that motion 1310 be agreed to.

The Senate divided. [16:49]

(The President—Senator Brockman)

Ayes.....28
 Noes.....26
 Majority.....2

AYES

Carr, K. J.
 Cox, D.
 Faruqi, M.
 Kitching, K. J. E.
 McCarthy, M.
 Patrick, R. L.
 Roberts, M. I.
 Steele-John, J. A.
 Walsh, J. C.
 Whish-Wilson, P. S.

Chisholm, A.
 Dodson, P.
 Grogan, K.
 Lines, S.
 McKim, N. J.
 Pratt, L. C.
 Sheldon, A. V.
 Thorpe, L. A.
 Waters, L. J.

Ciccione, R.
 Farrell, D. E.
 Hanson-Young, S. C.
 McAllister, J. R.
 O'Neill, D. M.
 Rice, J. E.
 Smith, M. F.
 Urquhart, A. E. (Teller)
 Watt, M. P.

NOES

Bragg, A. J.
 Cash, M. C.
 Davey, P. M.

Brockman, W. E.
 Chandler, C.
 Duniam, J. R.

Canavan, M. J.
 Colbeck, R. M.
 Fierravanti-Wells, C. A.

Henderson, S. M.
McDonald, S. E.
McMahon, S. J.
O'Sullivan, M. A.
Ruston, A.
Stoker, A. J.

Hughes, H. A.
McGrath, J. (Teller)
Mirabella, G.
Paterson, J. W.
Seselja, Z. M.
Van, D. A.

Hume, J.
McLachlan, A. L.
Molan, A. J.
Payne, M. A.
Smith, D. A.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

COVID-19: Morrison Government

The ACTING DEPUTY PRESIDENT (Senator Chandler) (16:51): I inform the Senate that, at 8.30 am today, 25 proposals were received in accordance with standing order 75. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Brown:

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

Mr Morrison's disastrous COVID summer resulting from his failure to listen to the warnings and take responsibility for ordering rapid antigen tests, his failure to learn from past mistakes, with Australians paying the price: spending hours in testing queues, days looking for rapid tests that were unavailable or overpriced, looking for basic supplies but finding only empty supermarket shelves, and mourning the loss of loved ones as hundreds of aged care residents died as providers grappled with staff shortages.

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (16:52): I rise to speak on this matter of utmost importance to Australians. We're all very privileged to be here in this place holding positions of leadership, and our communities have vested their trust in us to display the qualities of leadership they expect, especially in a time that is one of the most testing we face as Australians. But at a time when we most needed leadership, to be guided with a sure hand through the many trials this pandemic has thrown at us, we have had an utter failure by this Prime Minister and his government to lead us, and nowhere is that failure of leadership being felt more than in remote Australia.

The federal government has failed and ignored remote communities during the pandemic. The vaccination rollout, booster shots, aged care and supply of RATs are federal responsibilities that have been bungled and mismanaged by Prime Minister Scott Morrison. Some territory communities still have double dose rates below 50 per cent, and we have seen concerning outbreaks at aged-care centres. Aged care is in crisis. Remote communities are running out of RATs and the health and aged-care workforce out bush and in large centres is strained. In Alice Springs there are cases being reported of elderly people being left without services under their home-care packages, elderly and vulnerable people left alone without a change of bed linen, assistance in home cleaning and personal care for weeks. I suspect this is the tip of a dreadful iceberg. How many vulnerable Territorians are there waiting in vain for their home-care package services to be delivered who have no-one to advocate for them, who have no family close by?

I'm informed the services aren't being delivered because of a drastic workforce shortage, and there are no plans in place from the federal government to assist. These cases of elderly people being left without services under their home-care packages is a direct result of this government's failure to implement the findings of the royal commission into aged care. These are the consequences of not properly remunerating our aged-care workforce—issues that were being felt long before COVID and have been exacerbated by this pandemic. It's our elders who are paying the price.

If these are the failures we know about in the urban centres where there is some scrutiny, what is the case in remote bush communities? Out of sight is so often out of mind at the best of times out there. In speaking with aged-care service providers in some remote territory communities, I'm told that the federal government has not supplied one single RAT to these providers—not one. Any that they have been able to get their hands on have been paid for

from their own existing funding, putting pressures on other areas of service delivery with these centres. The RATs they have been able to get are prioritised for the vulnerable elderly. There is a shortage of RATs and PPE for the aged-care service workforce, adding extra strain to underpaid and under-resourced workers.

While the service provider workforce is out there on the ground caring for the elderly, Commonwealth agencies have been instructed to work from home. The federal government has completely abandoned the field in remote communities. Imagine how this leaves an exhausted and underpaid workforce feeling? They're out there doing the hard yards with zero support from the federal agencies. There is no sign of the National Indigenous Australians Agency in the bush. What a disgrace.

The failure by the government to manage the omicron outbreak is being felt disproportionately by women and children in remote Australia. Family and domestic violence services have been forced to expend their emergency relief funds on RATs because, again, zero have been forthcoming from the federal government. So many have absolutely nothing left, with five months to go until the end of financial year. There is a drastic shortage of alternative emergency accommodation, and women and children are being left in dangerous, life-threatening situations because of this.

We held a teams meeting with a lot of these organisations, who spoke to us—to me; to our candidate for Lingiari, Marion Scrymgour; and to Warren Snowdon, the current member for Lingiari—expressing directly these concerns about how domestic and family violence has increased during the COVID pandemic. They gave examples of their inability to get women out of some of our communities. Again, they've had to rely on their own funds. The Alice Springs Women's Shelter has had to pay an extraordinary amount of money out of its own funds for rapid antigen tests to be available. This should not be happening.

There has been no response from the federal government to the crisis. There are now 26,612 active coronavirus cases, with the virus infiltrating every region and many remote Aboriginal communities. There are over 6,000 active cases in the Northern Territory. As of this morning, 174 people with COVID were in Territory hospitals, and on Sunday, tragically, the NT recorded its fifth COVID related death. Three people in the NT have died with coronavirus in the past week. There are real worries about the impacts this is having on our health system right across the Northern Territory.

The PRESIDENT: Thank you. It being almost 5 pm, I think we will move on.

FIRST SPEECH

Mirabella, Senator Greg

The PRESIDENT (16:59): Pursuant to order, I now call Senator Mirabella to give his first speech and ask senators that the usual courtesies be extended to him.

Senator MIRABELLA (Victoria) (16:59): Thank you, Mr President. I begin by acknowledging my predecessor and yours, the Hon. Scott Ryan. There is broad acknowledgement on all sides that both the former Presiding Officers—Senator Ryan and his colleague, the Hon. Tony Smith—deserve plaudits for their service—exemplary presiding officers both and fine Victorians both. Senator Ryan was only the second Victorian to hold your office, after Sir Magnus Cormack from 1971 to 1974.

I am honoured to have been chosen by the Victorian Division of the Liberal Party to represent Victoria in the Senate. I am privileged to stand here today preparing to do my small part, as we all seek to, in shaping a better future for our country and future generations. The perspective I bring to the task of shaping Australia's future is a consequence of the journey that I have taken to reach this chamber today. That journey has been a little longer and more circuitous than most. On the way, I've been a business manager, a teacher, a soldier, an engineer and a farmer. I have worked in offices, on fishing boats and in classrooms, and early in my life I experienced the struggles and challenges of small business. I've been fortunate to have firsthand experience in a broad range of areas that underpin how the world works: food production, infrastructure, technology and defence of the nation. I've also come to know and believe in certain values which I believe are critical both to an individual's pursuit of happiness and to the flourishing of our nation: a love of family, a commitment to service, self-reliance, endeavour and enterprise. I am imbued with these things, and they are fundamental to the perspective I bring to the parliament.

But on this journey no-one comes into this parliament alone. Each of us had a lot of help to get here. So I have a few acknowledgements. Although I can't name you all, I'm grateful to all the Liberal volunteers who give their time and effort and passion; to our rural membership, who do the miles; and to those special people who select and serve on the party's decision-making bodies. Thank you for your trust. I will name a small, dedicated team who played a critical role in getting me here today: Mike Pountney, Sean Armistead, Jack Cook, Ben Zerbe, Amanda and Rohan Millar and James Radford, and, from further afield, John Polack, Andrew Schuller and the best federal director the Liberal Party never had, Gerry Wheeler.

My four children—Emily, Maddy, Alexandra and Kitty—and my mother, Mary, are here today. Sadly, my father, Tim, passed away two weeks before my selection for this position, and he would be most annoyed with himself for not being here today. Of course, I want to acknowledge and praise my wife, Sophie. She was a member of the House of Representatives for 12 years. Her maiden speech was almost 20 years ago to the day. We are the fourth couple to have both served in the federal parliament, but I am the first husband to follow in the footsteps of his wife, and I am beyond proud to be doing so.

Sophie was an extraordinary representative of the electorate of Indi—energetic, passionate and incomparably hardworking. The fruits of her efforts are still fully evident today, although perhaps not sufficiently recognised. The residents of the Albury-Wodonga region drive on the roads and the freeway that she fought to get built. The people of north-east Victoria attend medical facilities that she fought to get funded, and they use sporting and community facilities that she was instrumental in building. Even before she entered parliament, she was able to work with then Prime Minister John Howard to secure hundreds of defence industry jobs in Benalla and across the river, in Mulwala. After she left the parliament, she was instrumental in securing entitlements to hundreds of workers from Bruck Textiles. In office and out of office, she helped a lot of people. She still has my total admiration for both her work ethic and her commitment to the people of Indi.

For Sophie, the 2013 election was bittersweet, with the coalition's return to power coinciding with the loss of her seat. As shadow industry minister prior to that election, Sophie did much to set the direction for the incoming government's approach to industry policy. There has been much written and said about the challenges that women face here in Canberra. Like many strong and vocal women in public life, Sophie has had to endure an unfair share of prejudice and discrimination that men do not. Her political opponents confected public vilification and then exploited it without shame, and some of these were other women.

Sophie never got to deliver a valedictory, and I'm sure these remarks are hardly a good substitute, but the circumstance of her departure from the parliament was absolutely the catalyst for my decision to step into an active role in politics. If in my time here I can achieve a fraction of what she materially achieved, particularly for the people of regional Victoria, I will have done well.

I've said that I've had a few careers. Looking back now on all the things I've been and done, I was most shaped as a soldier—an army engineer, to be precise; a sapper. I can tell you very specifically how I came to be a sapper. When I joined the Army Reserve during university, I trained as an infantryman, but it was during that time that I was fortunate enough to attend a few lectures by our honorary colonel commandant at that time, Sir Edward Dunlop. During these lectures, Weary would talk about his time as a prisoner of war in Singapore and Thailand. He painted a vivid picture of how he and others struggled to run makeshift hospitals to save the lives of their starving and diseased fellow prisoners. He showed us pencil drawings and watercolours made by prisoners at the time, and I recall them clearly. He showed us some of the expedient surgical instruments they devised from bamboo and bone in the jungle in Thailand. During that particular presentation an officer cadet asked him how many lives he thought he'd saved with those instruments, and I remember a portion of his response very well. He said: 'Our medical staff didn't save anywhere near as many lives as the engineers. The engineers did the most amazing things to keep us supplied with fresh water and deal with our waste and build roofs and beds for us. Without the engineers we'd probably all have died of disease and privation.' I was the officer cadet who asked that question, and so he was answering me. These were evocative words, and they made me want to do something useful with my time in the military, so I decided to become an army engineer.

I wasn't studying engineering at the time, but I applied to join the Royal Australian Engineers and so started on a parallel career path. I studied and served, part time and full time, for two decades as a sapper officer. One of the mottos of the engineers is 'Facimus et frangimus'—'We make and we break'. I was fortunate that most of my time as an active sapper was making rather than breaking. I learned how to build structures, roads and bridges. I learned how to purify water, how to prevent disease—the very same things Weary Dunlop talked about. In other words, I learned about all the basic things that a community of people need to live and survive—clean water, shelter and roads—and I've enjoyed my time helping to build that infrastructure for communities here and abroad.

But I'm not just a soldier; I think of myself as a citizen soldier. For more than half my working life, I've worn the flag of my country on my sleeve, but the other half has been spent in civilian clothes. More recently, I've been a farmer. I am a senator for Victoria. I've given myself the additional task of being a champion for regional Victoria. There are more than 21,000 farm businesses in the state, and Victoria has the largest agricultural output of all the states and territories.

When I became part of the farming community I discovered that generally farmers are just too busy to advocate for themselves. I know from experience how hard it is to get farmers to stand up in front of a committee or an inquiry or to write a submission. Yet farmers in Victoria are subject to endless new regulations developed by an army of well-paid public servants who assume farmers have plenty of capacity to devote their unpaid time to reviewing and

arguing against more and more regulation and to spend more and more time on compliance. It is for this reason that I intend to focus my time in the Senate on championing their issues by working to continue to increase access to health services in rural areas, especially mental health; by fighting for increased investment in rural infrastructure, both road and rail; and through unceasing vigilance on water management.

We are coming to the end of this, the 46th Parliament, which is an odd time to be delivering a first speech to this chamber, but it's also a historic moment to be delivering a first speech, as we approach the end of a difficult but defining two years in the history of our nation. The COVID pandemic has tested many of our institutions, not least the federation itself. It has forced us to consider the extent of our resilience and, some say, even our very sovereignty.

Recent events have reminded us that Australia's strategic situation hasn't changed for 200 years. We are an island nation at the end of a very long maritime supply line. This has critical implications for self-sufficiency, especially in manufacturing, and, of course, security. During these last two years, we've faced shortages of imported goods. This has put our local manufacturing capabilities under the microscope, although empty supermarket shelves are not as critical as shortages of machine or electronic components. To a farmer waiting for a crucial part for a tractor, toilet paper shortages are a mild inconvenience. Our exports, too, have been challenged. China punished our beef and wine trade because of a diplomatic slight. Well, with some difficulty, we've lived with that and found new markets. It remains unclear whether our mutual trade interests with China will prevail over the long term. These imposed interruptions to our trade, incoming and outbound, have exposed the fragility of our supply chains.

I'd like to tell a parable which illustrates the vulnerabilities we must address. We've just had the AdBlue crisis, which threatened to put our trucking fleets off the road. AdBlue is a simple commodity. Most people have never heard of it. It helps reduce harmful emissions from diesel engine exhausts. But what is it? It's just a urea-and-water solution. Urea is not hard to make, but it's one of the many thousands of things that we used to produce but for which there is almost no business case to manufacture locally anymore—until we can't import it, of course. Fortunately, there's a plant in Brisbane that's been able to ramp up its operations to produce urea, but I note that that plant was due to close this year.

The AdBlue incident throws up a number of issues we need to address at a national level. Firstly, the capabilities of our domestic petrochemical industry, both production and storage, are a matter of concern. But we need to look more broadly than that. We need to examine what disruption to globalised supply chains really means for us, whatever the cause.

Urea is made from coal or gas, commodities which were in short supply during this Northern Hemisphere winter—a situation probably exacerbated by all those ships full of Australian coal sitting at anchor in Chinese ports for months. This incident demonstrates the world's reliance on hydrocarbons and coal and how shortages of these commodities still affect most nations at a national level. Consider the European winter energy markets right now. Energy generation is struggling, and the price of Russian gas coming into western Europe has tripled.

And, by the way, it is hardly worth asking whether Russia is likely to separate its strategic leverage of military force and supply of gas to Germany.

To start drawing some threads together, here in Australia we need to be examining our national self-reliance. What's the balance between allowing global markets to deliver cheap goods versus critical shortages when supply chains are disrupted? I'd love to see more manufacturing in this country—smart manufacturing. To be able to achieve that we need smart people, great education and training, and capital applied where it's best used. But manufacturing also needs energy—electric energy, cheap and clean energy. It used to be one of our national competitive advantages. Electricity is the single greatest enabler of our modern civilisation to our standard of living. For more than a century we have been burning fossil fuels to generate that energy, and we know we can't keep doing that. Globally we are grappling with a conundrum—a social demand for an accelerated shutdown of coal power and a lack of viable alternatives.

With my farmer's hat on and my engineer's prism, I look at the energy issues, the manufacturing issues and the sovereignty issues, and it's easy to conflate them. Everything connects to everything else. As an engineer, what I've focused on in recent years is how we improve the fundamentals of how we make the world work and how we improve the management of our resources and ecosystems efficiently and cleanly. I'm a farmer. I care for the land and my environment. I look at all the problematic issues: water; clean water; water for agriculture—by the way, even water is becoming a strategic commodity in and between some countries; waste, which is a critical problem everywhere; agriculture; green waste; livestock methane emissions; fertilisers for agriculture; and emissions from industrial processes such as steel production. All these issues are connected. They are connected by the king of elements: carbon. Organic biomass—it's basic chemistry. Reducing atmospheric CO₂ is what we want to achieve, but the term 'decarbonising' doesn't actually make sense to a chemist.

The solutions to all our challenges start with energy. The first consideration is that there is a limit to how much intermittent energy we should be putting into our grid. Germany is a salutatory lesson here—a high level of intermittent generation and the most unstable grid with the most expensive electricity in Europe, mainly because of expensive Russian gas from peaking plants. It's worth pointing out, by the way, that households only consume about 20 per cent of all the electricity we generate. The rest goes to commercial and industrial use. For all the rooftop solar we've installed, we still need a lot of spinning base load.

The Prime Minister has said that the path to cleaner energy is in technology, not taxes. I agree. I am a proponent of hydrogen and ammonia as the fuels of the future. We need to be able to produce hydrogen in large quantities cleanly. To make ammonia, you've actually got to make hydrogen first. I believe we will still be relying on biomass, including coal, for some time. But I also believe the future is not burning it; we will be chemically reforming biomass and methane into hydrogen and into ammonia, as already happens.

When we work out how to do it while capturing the CO₂, we'll be producing clean hydrogen at such a scale that we can put it straight into turbines and make electricity—lots of it—cheaply. It will be a new gas industry, and it will use only a fraction of the biomass we currently burn and will solve a lot of our waste problems at the same time. Is this a fantasy? I don't believe so. Current waste to energy systems are already evolving down this path. Time does not permit me to say as much as I'd like here, particularly to the sceptics, but I will say this: whichever country wins the race to large-scale, clean hydrogen production will win an economic bonanza and will lead the world to a better future. I intend it to be Australia.

I want to make a comment about the 'Voices of' candidates set to contest the federal election. Why do I mention this here? Because these Voices candidates cite lack of action on climate change as their major platform. They say they're independents who aren't really a political party. Really? They look and sound like one. They even have a senate candidate preaching the need for transparency in politics, while denying scrutiny of themselves. I share the concern of many about a hung federal election result. These Voices candidates are very well schooled in avoiding answering the question as to who they would support to form government, but there is, of course, no doubt. They are all contesting only against coalition members. The notion that any of them would support the coalition is absurd. They are, therefore, the voices for Labor.

I am gravely concerned at how a Labor-Greens-Voices coalition would accelerate climate action, ban coal and shut down more base-load generation. This country is already at the point where we do not need more intermittent generation. I've already referred to Germany. Is that the nirvana where these Voices people might take us: to a fragile grid, unaffordable energy and blackouts? Australians most definitely don't want that.

Australia has the resources to become a leader in hydrogen energy, and in so doing we will at once be enabling cheaper energy, more manufacturing and greater self-reliance. If we can reap this harvest, we will improve our ability to better fund education, health and aged care. But to achieve this we really need to knock down a few silos and recast some of the business of government. Trade, energy, industry and security are interdependent in this context. It is a first-order challenge for the future: better applying policy and public funds to address our sovereign self-sufficiency in ways which actually contribute to prosperity.

On my final theme of security, defence and foreign policy, I will confine my comments. First, in regard to the manner in which we equip the ADF, I know firsthand how lengthy and convoluted our acquisition processes are. We must improve them. Changes in technology are occurring at 21st century speed, but our decision processes still seem stuck in the last century. Several months ago, the government announced the choice of new artillery equipment. That's great, but I recollect that project, Land 17, was entered into the defence capability program during my time working in force development in 2005—that was nearly 17 years ago.

The defence minister is rightly taking a more rigorous approach to this problem, and I applaud him. He was right to recognise a bad decision on our new submarines. He is also right to project an increased defence budget for coming years. We cannot provide credible protection to our maritime supply lines and our region if we don't.

As an additional note about the role of the ADF, in recent times we've seen the ADF employed on civil defence tasks with the recent horror summer bushfires and support to COVID operations being cases in point.

As a citizen soldier, I support this. There's been discussion in recent days about whether the ADF is a standby workforce. No, it isn't. The mission of the ADF is to protect Australia and its interests and, to me personally, that mission absolutely includes civil defence operations.

As a soldier, I've commanded army support to bushfire operations under the defence aid to the civil community system. I once watched people in a town not far from where I live now who had been surrounded by fires for weeks come out into the street and cheer and cry when the big green trucks rolled through, towing bulldozers and carrying 100 sappers with chainsaws. I have never felt so proud of wearing my uniform as I did that day when these people told me that they knew that now everything was going to be alright. The Prime Minister knew of their plight and he

sent them. We weren't a backup workforce; we were soldiers. We were there to protect them and their homes, and we did. I support any measures to equip and prepare elements of the ADF to provide this kind of support for the future as a matter of course. On a final note on defence matters, and certainly not of least importance, I intend to do what I can to better support veterans. We need to do a lot better than we've done in recent years.

To draw to a conclusion, I've already laboured the point that events of the last two years have shone the spotlight on a range of issues that go to the heart of Australia's wellbeing. I've drawn the thread: self-reliance, energy, manufacturing, security. One of the most important lessons that I have learned in my various careers is that lessons are too often not well learned, especially at a bureaucratic and political level. The bushfire inquiries are an outstanding example. Defence equipment acquisitions are another. Pandemic lessons need to be not just learned but embedded and protected—the health lessons and the economic and social lessons.

This is a time when we need to be striving to make sure that we do not forget the lessons of today. This is a time when we need to be making considered and informed decisions about Australia's ability to prosper as a free and self-determining nation. I want my four beautiful daughters to inherit a nation and a world which is in better shape than my generation found it. I hope to bring my particular perspectives to bear on policy and public debate to help achieve this. It's the farmer's job to feed the nation, it's the engineer's job to build all that makes it work and it's the soldier's job to protect the people. It does not occur to me for a moment that these do not remain my tasks, even as I serve from this place. Thank you, Mr President.

BUSINESS

Rearrangement

Senator RUSTON (South Australia—Minister for Families and Social Services, Minister for Women's Safety and Manager of Government Business in the Senate) (17:32): by leave—I move:

That today—

- (a) the hours of meeting be 9.30 am till adjournment;
- (b) the routine of business from 7.20 pm be consideration of the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 only;
- (c) divisions may take place for the purposes of the bill only; and
- (d) the question for the adjournment be proposed after consideration of the bill concludes, or at 9 pm, whichever is earlier.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

COVID-19: Morrison Government

Senator ABETZ (Tasmania) (17:33): What a stark contrast it was to hear the excellent first speech of Senator Mirabella, full of positivity. It was uplifting, it was sincere, it was about service to the nation, from the sort of senator and public servant we actually want and need in this place. That speech was such a contrast to that which we had heard earlier from the Labor Party in this so-called MPI. They want to blame Mr Morrison for everything. In fact, the motion starts: 'Mr Morrison's disastrous summer'. Well, I suppose they blame him that it was a bit of colder summer than usual, that the barbeque gas ran out or that the kids got sunburnt—really?

What are the Labor Party on about when they come into this place, day after day, with their relentless negativity and their commentary on everything that is wrong without pausing to consider they might actually be presenting themselves as an alternative government. There's not a whisper as to what they would be doing differently. What we hear is just this tirade of negativity, including, might I add—because I find it amazing, and we heard it in question time today and again in the contribution from the Labor speaker just before the first speech by Senator Mirabella—about the underpaid workers in aged care. There is no doubt that aged-care workers do a fantastic job. There is no doubt that they are low-paid workers. But who sets their wage rates? It is not the government. It is not the Prime Minister. It is an independent tribunal known as Fair Work Australia. I wonder who set that up and then stacked it with their people? It was the Australian Labor Party. It is the Australian Labor Party's mechanism for wage fixation in this country. So, when the Labor Party come into this place, day after day, complaining about the low wages for aged-care workers, it is a double-whammy criticism of the trade union movement that is allegedly looking after these people and also of the independent umpire who determines the wages.

The Australian Labor Party, like with so many other things, seek to have it both ways. They say, day after day, that the Liberal and National parties cannot change the fair work legislation, and we haven't in this regard. It is the legislation as put down by Ms Gillard, Prime Minister Rudd—remember him?—and Mr Shorten. That mechanism remains in place. So each and every day when the Labor Party complain about somebody's wages and/or conditions they are complaining about the decision-making process of the organisation that they themselves established.

It therefore begs the question: what would Labor do if they were in government? Would they sack the Fair Work Commission for not providing sufficient wages to aged-care people or would they somehow legislate wages and start having this parliament determining who gets paid what and when, how and why? Surely not! So this is a vacuous criticism that they offer, day after day, in a vain attempt to con the Australian people into believing that somehow they might be able to do a better job.

We know that the Labor Party are devoid of any future policy positioning. If they had good future policies, instead of putting up these motions as they do, day after day, full of relentless negativity, they'd be saying, 'We call on the government to adopt Labor policy in this particular area,' and they would set out the Labor policy seriatim—(a), (b), (c), (d) et cetera—and tell the Australian people exactly what they want and what their aspiration is for the Australian people. But they have no aspiration for the Australian people. They only have an aspiration for themselves to somehow cheat their way into government by offering continual criticism of a government that has been, in exceptionally difficult circumstances, delivering for the people of Australia.

Let's be clear: in the three years of this government, we've seen 1.1 million jobs created since the pandemic hit. Do you know what? The Labor shadow Treasurer said that the one test the Morrison government has to pass is the unemployment rate—will it hit a certain level or not? Well, the unemployment rate is well below expectations.

So by Labor's standard, the standard, the one standard by which Labor said the Liberal-National government should be judged—namely, the employment level—the Morrison government has passed with flying colours. It is not me, a Liberal senator, asserting this; it is, by implication, the Australian Labor Party asserting this. They set the test, and the test the Labor Party set for the Liberal-National government has been passed with flying colours whether the Labor Party likes it or not.

So, having set us a benchmark, which we as a government have surpassed, what else is Labor to offer than to pick up any little rock that is available and throw it at us. There is no positivity here, there is no vision for the future, there is no policy platform on which to see the nation come out of this COVID pandemic. We as a nation are doing relatively well. Can we do better? Of course we can do better, and that is what the government continually strives for day after day. But what this nation does not need is a group of individuals who have only one vision, and that is for them to be elected to government.

For Labor to be elected to government, the Australian people need the full policy platform—what they would actually do, what they would do differently, and how. It's no use saying, 'We would have done better in this area or that area.' Tell us how that would have been achieved with all the constrictions and restraints that COVID has placed upon us. There have been 1.1 million jobs created, surpassing Labor's test. And I'm sure that the hapless Labor shadow Treasurer, in setting us this task on unemployment, thought we would fail it. He put that benchmark up in lights for everybody to see—only to see us not only match it but overwhelmingly surpass it. So, humiliated, the Labor Party retreats to what it is exceptionally good at, and that is throwing rocks and offering criticism. But they are incapable of providing a positive agenda—and the record of the Prime Minister and the Treasurer speaks for itself.

I have concentrated on that which the Labor Party set us a benchmark, but let's have a look at 1,400 additional nurse placement for the regions; \$1 billion to help with Closing the Gap; and 93 per cent of Indigenous children enrolled in preschool, which is up from 77 per cent in 2016. You can go through policy parameter after policy parameter and see achievement by this government in the most difficult of circumstances. The ministry has performed exceptionally well, and the benchmarks set by the Australian Labor Party have been met and achieved—indeed, overachieved. So all Labor does is come in here and provide their relentless negativity and no real alternative for the people of Australia. That is why motions such as this, which are put forward by the Labor Party day after day, should be rejected. If I were in the opposition, I would be putting forward a positive platform; but, devoid of that, all they do is throw rocks.

Senator ROBERTS (Queensland) (17:43): As a servant to the people of Queensland and Australia, I note that the federal and state governments have had a disastrous two years of COVID mismanagement—not just one summer. Go out the front of this building and have a listen. Go anywhere in Australia and have a listen. Australia has seen a repeated failure to learn and do better from one year to the next—and it's now counting in years. The failure of this government to modify the COVID response as more information has emerged about the science of this virus is criminal incompetence.

Our competitive federalism model has been mocked and abused and buried, in some perverse game of pass the parcel, so that everyday Australians can have no clear idea of who is to blame for this mess.

I know who's to blame: it's all of you. All of you have waded through ill-prescribed and illogical measures for more than two years. One after the other, from one state to another, the same science and data on COVID has been translated into wildly different responses, depending upon the ideology and personality flaws of the premiers and

chief ministers of the day and the federal ministers. Yet on each occasion, with each different policy, the phrase was the same: trust the science, but don't show us the science.

The last two years have seen a litany of nonsense and lies—lie after lie, dressed up as medicine and science. Here are just some of them: the unresolved definition of 'a hotspot'; the inability to agree on sensible measures for border communities; the seemingly arbitrary closing of borders and the locking down of communities for minor outbreaks, while then being allowed to open up during major outbreaks, which was just incredible to see; marginalising the unvaccinated in some states but not in others; the changing definition of 'fully vaccinated'; and making commitments to people and then contradicting them.

As a nation we have been held captive to measures that have divided our communities; coerced us into a medical procedure in order to keep our jobs; and denied us freedom of choice over our bodies, over when we can open our businesses, over where we can travel, over whether we can see our family or friends and over whether we can attend a funeral or a wedding. Any dissent has been kept suppressed by media accomplices. The media have crafted the narrative into a singular, government sanctioned message—essentially, propaganda and lies.

Disasters and calamities can have a powerful galvanising effect for communities, as we see during bushfires and floods. Yet during COVID, our governments have successfully eroded our cohesiveness as an Australian nation. They've fractured it. This is the first time I've seen a national emergency responded to by dividing Australians instead of uniting against the common threat. Instead of helping one another, we find ourselves treating others like lepers and retreating from anyone who coughs or sniffles. We've been brainwashed into division, disrespect, telling lies and telling tales on anyone we believe isn't being compliant.

The federal government have squandered the opportunity to bring Australia together as a nation, by letting the states and territories run wild with stupidity and deceit: Liberal, Labor, Nationals and Greens—governments all. Historically, our ADF are brought in to help domestically in catastrophic and emergency situations, so it says a lot about how the state and federal governments have mishandled the response to COVID, when, after two years of COVID experience, we need 1,700 ADF personnel to go into our aged-care sector because the staff have left; they've had to because they've been threatened with a forced vaccination. Debacle after debacle have left our aged-care sector completely under-resourced. Staffing has been ravaged by vaccine mandates and unreasonable close-contact rules.

It makes no sense to me that Labor would try to pin this on the Morrison-Joyce government alone, when the Labor Party—when this parliament, both state and federal parliaments—waved these measures through for two years. To steal a line from *Driving Miss Daisy*: 'Senator Brown, you took that turn with the government.' It's too late now to dodge the blame. You're all to blame. The unnecessary deaths within aged care from government incompetence are heartbreaking, shameful, immoral and inhuman. So too are the continual lockdowns of elderly residents, which have prevented the elderly from seeing their families, leading some to believe they've been abandoned. It is not their families who have abandoned them; it's this parliament. It's all of you. The disrespect shown to our elderly is breathtaking.

While there are ethical questions about the balance between opening up and our most vulnerable being exposed to COVID, there's absolutely no acceptable excuse for the state and federal governments' logistical failures during this entire atrocious mess. How can we do this to our families and communities? We're still stumbling as a nation two years later! The federal and state leaders have gutted the dignity and rights of everyday Australians through their ineptness and unprecedented thirst for power and control, at a time when Australians needed hope, reassurance, leadership and confidence in their leaders. Is it any wonder that this incompetence, arrogance and hubris have brought protesters onto the streets in their millions? (*Time expired*)

Senator SHELDON (New South Wales) (17:49): I rise to make a contribution on this matter of public importance. According to the minister for aged care, the aged-care system has been coping with the omicron variant extremely well. That is a direct quote: 'extremely well'. That is an opinion that the minister might have formed from his VIP seats at the fifth Ashes test. Of course, if the minister had done his job and fronted up to the Senate committee on COVID-19 instead of fobbing us off to go to the cricket, then the minister would know that the aged-care system is not actually coping extremely well.

Usually, if a system is coping extremely well, you don't have to call the military in to provide emergency support! If the minister, instead of going to the cricket, had done his job and talked to aged-care residents and families—or just simply read the paper—he would have known things are not going extremely well. He would know that more than 500 Australians in aged care died from COVID-19 in January alone. But the government says, 'Don't worry about that.' The minister for health said 60 per cent of those who died in aged care 'were in the absolute last days of their lives'. How is that for a message from the Morrison government? 'In the absolute last days of their lives'—that's how it described those people who lost their lives due to COVID. What a reassurance from the government to

those people who lost loved ones and those who fear losing their loved ones! I doubt that that provides any support to the families of those who have tragically passed away. Is this really the point we've gotten to in the government's handling of the pandemic, that we are now just brushing away hundreds of preventable deaths as being insignificant?

What's going on in our aged-care sector is unprecedented in Australian history. The fact is that the vaccine rollout had started months and months behind. If the booster rollout had not started months behind, we might have been in a better position. Then we would not have seen hundreds of unboosted aged-care residents tragically passing away in January. But that is the aged-care system the government insists is performing extremely well. If the minister had spoken to aged-care providers instead of going to the cricket, he would have known that this isn't the case. Mike Baird, a former Liberal premier of New South Wales and current CEO of aged-care provider HammondCare, has been calling for the Australian Defence Force to be called into the aged-care sector since mid-January. It took more than three weeks for the government to heed that call—and, as always with this government, it's too little too late.

If the minister had spoken to aged-care workers instead of going to the cricket, he would know things are not going extremely well. Aged-care workers are under unbelievable stress. They can't access rapid antigen tests. They can't access enough PPE. They can't access enough N95 masks. It has been a year since the aged-care royal commission handed down its final report. Let's remind ourselves of what the report said:

Australia's aged care system is understaffed and the workforce underpaid and undertrained.

... ..

The bulk of the aged care workforce does not receive wages and enjoy terms and conditions of employment that adequately reflect the important caring role they play.

... ..

Inadequate staffing levels, skill mix and training are principal causes of substandard care in the current system.

That's what the aged-care commission made very clear—and it couldn't have been clearer to anyone reading those words. There's a link between the conditions of the aged-care workforce and the quality of care. A year on, the government hasn't learnt a single thing.

Unlike the minister, aged-care workers aren't blowing off work for VIP tickets to the Ashes. Aged-care workers, most of whom are in insecure and precarious jobs, are being pushed to the limit. Nine in 10 aged-care workers are either casual or part time. They are in danger of their shifts being swapped, or cut, at the drop of a hat. Many are expected to remain on call all day, every day. Last year Sherree Clarke, a casual aged-care nurse, told the job security committee:

You can't plan anything because you don't know what your roster is going to be from one fortnight to the next. When my mother went through cancer, I couldn't tell her that I would support her for her cancer appointments, because if you're not available to pick up a shift, they don't offer you that shift the next time.

For all of this, they are woefully underpaid. These are people tasked with looking after our parents and our grandparents. These workers are sometimes responsible for every facet of senior Australians' day-to-day lives, and they're receiving barely above the minimum wage.

Another casual aged-care worker, Anu Singh, told the job security committee last year that at her workplace there were just two carers for 20 residents. They would have 20 minutes with each resident. She said:

In those 20 minutes, we used to wake up our residents, who were about 90 years old, and do showering, toileting, dressing and undressing; tidy up their rooms; make their beds; and then take them slowly to their dining. Can you imagine doing all this just for yourself in 20 minutes?

That's while making barely above the minimum wage. And this was even before the pandemic. Does it sound like the aged-care system is doing extremely well? On top of that, there's the completely botched COVID-19 response. So I support in the strongest terms the Health Services Union's comments and I call on the government to back the HSU's application for a decent wage rise for aged-care workers. It's the absolute least this government can do for those workers.

The other point I want to cover is the stress the pandemic is having on the supply chains as a result of the government responses to these problems. We've seen workers at Teys meatworks in Naracoorte being forced to work while COVID positive. We've seen truck drivers and supply-chain workers forced to continue to work tirelessly to keep shelves stocked even as the government stands by and allows their jobs to be undermined by companies like Uber and Amazon—the race to the bottom. We've seen retail and logistics workers forced to continue working even without fair access to rapid antigen tests.

This week, the Retail Supply Chain Alliance came to Canberra to call for government backing for the new supply chain safety principles. The three principles are very simple but very important. The first is that we need COVID safety supply chains. That means free and accessible rapid antigen tests for transport, logistic and retail workers not just for their own personal safety but to keep all Australians safe and to keep supply chains running. The second

principle is that we need to secure working conditions in supply chains. That means immediate government action to stop the race to the bottom on working conditions that is being driven by companies like Amazon. The third is that we need a supply-chain committee. Throughout this pandemic the government has failed to listen to advice from medical experts and from the industry. Instead of sensible planning and thoughtful solutions, we had ideas like children driving forklifts—just absurd! We need a committee that brings together government, industry, unions and workers to find real solutions to supply-chain issues and to ensure that we don't have any more stupid and deadly ideas like kids on forklifts.

Supply-chain workers, aged-care workers, health workers and workers across Australia deserve better than insecure work, wages failing to keep up with the cost of living and a shortage of rapid antigen tests. This government needs to act and it needs to act now. It's not a job well done.

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (17:59): I want to remind the chamber of the motion we're actually debating here tonight because that hasn't been clear in the contributions of those on the other side. This motion, which was put forward by Labor, talks about the disastrous COVID summer. It accuses the government of failing to listen to warnings, failing to take responsibility for ordering rapid antigen tests and failing to learn from past mistakes.

I wonder if Labor would have done anything differently. When you actually look at the time lines, when you actually look at what was happening right around the world, and when you consider the scientific and expert advice that we are always told we've got to listen to—listen to the experts, listen to the scientists, take on board what they're saying and act according to that advice.

Let me remind people that, even as late as August last year, the advice from the AHPPC discouraged the use of rapid antigen tests when the prevalence of COVID was low. In August last year, they said RATs should only be used as a precautionary surveillance measure, and they recommended their use only for healthcare settings. But, according to Labor, somehow we should have ignored that advice and pre-empted things even before the Therapeutic Goods Authority had approved RATs for home use. We were actually ahead of the game. As soon as the TGA approved point-of-care use of RATs, we entered into agreements with suppliers. We secured 4.45 million RATs and commenced a trial for point-of-care RAT testing in aged-care settings. But Labor would like to ignore that fact and pretend that it all only occurred over our summer. Our summer was the European winter, at which time the whole world was struggling to source enough RATs. But somehow we should have miraculously been able to access them, when the United States, Europe, the UK and Canada could not fulfil their own demand for RATs. We should have been immune to a global supply shortage during a global pandemic, according to Labor. That's just living in fairyland.

Don't forget, as well, that even after the TGA had approved use for RATs in home settings, even after the government had started a procurement program, the states had still not approved their use. Let's not forget that when omicron raised its ugly head in Australia in late November, and when the states responded by shutting their borders, it was the states who insisted that they would take nothing short of a PCR test as proof of COVID negativity. Queensland kept that up all the way until January, such that the demand for PCR tests in New South Wales went through the roof—not from people showing symptoms from COVID, not from who were close contacts, but from people who wanted to go on holiday and from people who wanted to visit their families. Senator Sheldon talks about the squeeze on our freight and supply chains. Well, the squeeze was exacerbated by these state based policy principles that required all truckies to have PCR tests because RATs weren't good enough. This was a state Labor government demanding PCR tests so that their trucks, carrying their groceries, could get over the border to deliver to their supermarket shelves.

Labor somehow thinks that we had a crystal ball. Somehow, according to Labor, we should have been able to foresee omicron. The World Health Organization only declared omicron a variant of concern on 26 November. By that stage, we had already entered into these RAT trials in aged-care settings.

We had already commenced a procurement program. But we still didn't have omicron in our country, and no-one could have predicted the scourge that omicron brought.

I want to also talk about issues in aged-care settings. COVID has always represented a risk in aged care, from the very first COVID outbreak in aged care that occurred in New South Wales in 2020. We established a surge workforce to support facilities where staff were sidelined through COVID infection or being a close contact, or where they just needed support. This surge workforce has been in place ever since, available for every state and for any facility that requests it. To date that surge workforce has covered over 80,000 shifts. Yes, omicron is rapidly spreading at the moment and our workforce needs to adjust. Yes, we now have the Defence Force assisting in that area. But somehow Labor think they would have foreseen all this.

I want to take this opportunity to thank our aged-care workforce, the surge workforce and the Defence Force, who have all worked tirelessly to do their utmost to keep the residents of our aged-care facilities healthy and safe. I want to acknowledge that working in aged care is difficult at the best of times, regardless of COVID. It is a very sad fact that people in aged-care facilities pass on. It's worse when they pass on separated from their families due to quarantine requirements in response to a once-in-100-years pandemic. I feel for those who work in this situation and I feel for the families who have lost their loved ones. I don't care whether the resident has passed away from COVID, with COVID or without COVID; it's always sad. It's always a loss.

But Labor seem to be implying that, if they were in charge, things would be different. I want to know how. It's all well and good to stand here and throw stones when you've got no responsibility for cleaning up the shards of glass afterwards. How would Labor have addressed this situation to ensure that facilities were not locked down during the various waves of COVID, to ensure families still had access to their loved ones? I don't see how. I have family in hospital right now who cannot be visited by anyone, because they are all operating under COVID restrictions. We are operating under COVID restrictions in this place. But somehow Labor would wave a magic wand, and it wouldn't be occurring. How would Labor make sure that staff at our aged-care facilities would not come into contact with COVID and would be available for 100 per cent of their shifts so that they don't need a surge workforce or the Defence Force?

Hindsight is a wonderful thing, but you cannot judge our government on what you know now with hindsight. Judge us on where we are at today, on how we have responded and learnt and adapted to ensure we continue to have a strong economy, record low unemployment, one of the highest vaccination rates in the world and one of the lowest COVID death rates in the world. I think we've done quite well, all things considered.

Senator STEELE-JOHN (Western Australia) (18:09): This summer has been a summer from hell for disabled people. It has been a summer of fear, a summer of isolation and a summer of death. Disabled people have died across our community, and the Morrison government bears responsibility.

The incompetence! The absolute and total inability to listen to disabled people when we reach out to our government as we have done through every stage of this pandemic! At the beginning, when we thought we were going to drop dead any minute, we put everything aside. We put aside our historic knowledge of how we have suffered at the hands of this government. We put that aside and attempted to work to keep our community safe. We did so many hours of unpaid work. Organisations that have been structurally underfunded for the best part of a decade put everything on hold to come and sit with you people at a table and offer our best hopes, our lived experience and our expertise, with the sole goal of keeping our friends, our families and our loved ones alive. And you did what you always do: you took our good faith and you repaid it with tokenism. And, once we started to get a bit annoying, you shut us out of the process.

You failed us through the first wave. You failed to order the vaccine. You failed to roll the vaccine out. When it stopped working as it should have, you deprioritised us. You deprioritised disabled people to cover up your own incompetence. Through delta, you failed to get us PPE, you failed to invest in ventilation and you failed to order the tests that your own Prime Minister was saying at press conferences we would need. It all came to bear with omicron. Driven by your corporate donors who were so desperate to begin making money again, you rammed down the borders and the protective mechanisms. People like the Premier of New South Wales lectured the community about the need to stand up to COVID and to live with the pandemic. Well, for a disabled person, for an older person, for the immunocompromised and for First Nations people, there is no living with COVID-19. Unprotected, unvaccinated and unsupported, we die. We have died, and we will continue to die, under this government. You bear that responsibility.

We had so many chances as a nation to get this right. We had so many opportunities to order the right vaccines, to give people the money they needed to manage, to give people access to the PPE, to put ventilators in schools and to give people the confidence and the ability to manage this together. At every turn, because it was too inconvenient, because it cost your donors too much money and because it dared to suggest that there is such a thing as a society wherein we have a mutual obligation to one another, you rejected it. Two years in, not a single person in the Australian government can tell me how many disabled people have died, because nobody has been collecting the data. Every day, chief health officers and state premiers go out to the media and give the COVID death figures, but they assure us that so many of these people had underlying conditions, were at the end of life or had a terminal condition—complex, co-occurring morbidities. Forty per cent of the Australian population has either a disability or an underlying condition, and this government and state governments have written us off as an acceptable collateral casualty. It's not good enough. The Greens do not accept it. We will never accept it. We will always push back. *(Time expired)*

Senator WALSH (Victoria) (18:14): Across the country, millions of Australians have experienced a summer of COVID chaos that they simply did not need to have. There were more vaccine delays and a COVID testing disaster.

There were critical staff shortages everywhere. It is yet another aged-care crisis, and none of it was inevitable—none of it. All of it was preventable, if only the Morrison government had listened to any of the experts who were ringing the alarm bells and saying that the government needed a plan to open up safely.

At the end of last year, Prime Minister Morrison was out there urging us all to get used to 'COVID normal', saying that it was time for government to get out of our lives and revving us up for an open summer. But, unlike this Prime Minister, COVID doesn't like to take holidays, and the government should have had a plan for that. Instead, the Prime Minister checked out over the summer—again!—and he did that as the omicron wave hit. At that time, it was Australians who were ready. Australians wanted to do the right thing to protect their families and their communities. They wanted to get tested. They wanted to stay safe. They wanted to be able to go to work. They were ready, but the Morrison government was not.

Within days of restrictions, including travel restrictions, easing, we saw absolute chaos. We saw PCR testers being overwhelmed. We saw people lined up for miles waiting to get tested, only to be turned away. No-one could find a rapid antigen test across the country, and we were in crisis again—a crisis that was not inevitable—all because the Prime Minister failed to plan again. He failed to heed the warnings again. He failed to listen to the experts again. As early as September last year, the Australian Medical Association warned the government publicly—and we all knew—that they needed a plan for rapid antigen tests to support a safe reopening. The government rejected that advice, saying something about not wanting to intervene in the private market. We all saw what the private market did later on!

Then, in October, the government ignored the calls by the Council of Small Business to provide rapid antigen tests. They dismissed calls from small business that they needed RATs to keep their doors open. Even before that—a year before that—Australian manufacturers had approached the government about providing rapid antigen tests made here in Australia for Australians. What happened with that? Government sent them away. They said, 'We don't need them.' Meanwhile, other countries, who had real leaders who were on the ball, knew that they needed rapid antigen tests and started putting orders in with our Australian manufacturers. Why didn't Prime Minister Morrison do that? Why couldn't he see what was happening overseas? In the UK, free tests had been available since April 2021, and in Singapore they were in vending machines. But, despite all of these warnings and these representations from small business, from the manufacturers and from the medical experts, the government refused to heed any of these warnings. They refused to take the advice. The Morrison government simply failed to act, and they left Australians without a plan B. It was Australians who were left over the summer to pay the price for these failures, literally—at \$10 to \$15 per rapid antigen test, if you could get your hands on one.

I spoke to pharmacists in regional Victoria, and, out of 20 that I contacted over the summer, none knew when they were going to get any supply of rapid antigen tests. The Morrison government turned COVID testing and our health system into a lottery this summer, and Australians are still paying the price for that failure. (*Time expired*)

Senator VAN (Victoria) (18:19): I thank you for this MPI today. I didn't get a question in question time, so it's wonderful to be able to answer a dorothy dixer—thank you. I say it's a dixer because it is clear to everyone that the Morrison government's COVID-19 response has been an overwhelming success.

Has it been perfect? No. The Prime Minister has acknowledged that, as has the Leader of the Government in the Senate. However, the overall response to the pandemic by the Morrison government has been one of the best in the world. That is simply a fact. When it comes to dealing with a once-in-a-century pandemic, there is no playbook. There is no history to guide the government or decision-makers on what has worked previously and what has not.

Labor love coming in here with their hindsight goggles on. I think their hindsight goggles work so well they could walk in here backwards! Maybe they could tell me how I could have avoided getting COVID over the summer, which was confirmed by a RAT which I bought at my local pharmacy. Undoubtedly things can go wrong, and they did, as we have acknowledged. But what is important is how we learn from these mistakes and how we respond to these lessons. This is something that the government has done extremely well on any measure.

You only have to look at the vaccine rollout last year. On 21 March, the Prime Minister announced publicly that the Australian government had a comprehensive plan to offer COVID-19 vaccines to all Australians by the end of October 2021. And guess what? We saw that actually occur. We hit 80 per cent vaccinated by the end of October. No-one said that the vaccine rollout was going to be a straight line or some perfect model that Labor seemed to think was the Prime Minister's one and only job to oversee. Sorry, is it two jobs that you think the Prime Minister does? It shows you're not fit for the job. Of course, it was going to ramp up exponentially. We delayed the rollout deliberately over summer because we did not have COVID in the country. We watched what other countries did. We learnt from how they rolled theirs out. We learnt those lessons and moved from there.

There were countries that had COVID outbreaks that were killing tens of thousands, if not hundreds of thousands, of people and needed the vaccine more than we did. They got it ahead of us, which I think we should all accept was

the right thing. But we still met our promise to the Australian people. The Prime Minister made a promise and we met it. There were definitely hurdles along the way, such as the change of health advice on the AstraZeneca vaccine. However, the government responded to those changes, and now we are one of the world's most vaccinated countries. As it currently stands, Australia has over 95 per cent of the population vaccinated with a first dose and over 93 per cent protected with a second dose, which ranks us sixth out of all OECD countries in the world and must be celebrated as a remarkable achievement.

I think it's important to remind Senator Brown that the effects of the omicron outbreak have had global repercussions which have affected supply chains around the world. It is not just Australia where these supply chains were put under pressure. Globally, we have seen issues occurring. Luckily for us, the Morrison government acted swiftly and decisively to mitigate the squeeze on supply chains and worked with industry at every level to iron out these problems. Decisions, such as on the changes in food and grocery supply chain and close-contact arrangements, undoubtedly had a positive impact on these issues.

With all aspects of the COVID-19 response, the government has followed the expert medical advice. The first three rapid antigen self-tests were only approved by the TGA on 13 October, for supply from 1 November. We started from a different position because we didn't have massive outbreaks. We'd dealt with them at that time. RATs were not a suitable testing regime for delta. But, since then, the government has worked to ensure they are available to those who need them. The Commonwealth provides free RATs to residential aged-care facilities, for which we're responsible. We've already provided millions of RATs to residential aged-care centres. It is the Morrison government's response that has kept Australians safe while not destroying our economy, which the Labor Party would have done. *(Time expired)*

The ACTING DEPUTY PRESIDENT (Senator Carol Brown): The time for the discussion has expired.

DOCUMENTS

Consideration

The government documents tabled today were called on but no motion was moved.

COMMITTEES

Scrutiny of Delegated Legislation Committee

Delegated Legislation Monitor

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (18:26): On behalf of the Chair of the Senate Standing Committee for the Scrutiny of Delegated Legislation, I present the *Delegated legislation monitor No. 2 of 2022*, and I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Intelligence and Security Joint Committee

Report

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (18:27): On behalf of the Chair of the Parliamentary Joint Committee on Intelligence and Security, I present reports on Intelligence Oversight and Other Legislation Amendment (Integrity Measures) Bill 2020; Review of Part 14 of the Telecommunications Act 1997—Telecommunications Sector Security Reforms; and Review of the amendments made by the Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018. I move:

That the Senate take note of the reports.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Law Enforcement Joint Committee

Report

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (18:27): On behalf of the Parliamentary Joint Committee on Law Enforcement, I present the report of the committee on the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019 together with accompanying documents.

Northern Australia Joint Committee

Report

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (18:28): On behalf of the Joint Standing Committee on Northern Australia, I present the report of the committee on its inquiry into the opportunities and challenges of the engagement of traditional owners in the economic development of northern Australia.

Senator DODSON (Western Australia) (18:28): I move:

That the Senate take note of the report.

I rise to take note of the final report of the inquiry of the Joint Standing Committee on Northern Australia into the engagement of traditional owners in the economic development of northern Australia. The committee began this inquiry over three years ago in the last parliament and revived it after the 2019 election. When Rio Tinto destroyed the 46,000-year-old rock shelters at Juukan Gorge in May 2020, the committee suspended this inquiry to investigate that devastating event.

There is a strong connection between these two inquiries. The committee has returned again and again to the question of how First Nations peoples can share in the economic development of the north, because it poses a central challenge not just for the First Nations peoples but for northern Australia and the nation as a whole. The destruction of Juukan Gorge reveals how easily First Nations interests in land have been disregarded in the pursuit of wealth. It demonstrated how little the First Nations peoples have benefited from the development of the north, despite significant recognition of their interest in these lands over the last 50 years.

Most land in northern Australia is subject to some form of First Nations tenure, either under land rights regimes or native title, yet poverty is increasing in many remote communities. This has been rightly called a cruel paradox. As the chair of our committee has said in his foreword to this report, 'Title to land is, by itself, not enough.' Some mistakenly attribute this poverty to the collective forms of First Nations tenure held by First Nations people. They argue that First Nations tenure should be reformed to bring it in line with Western concepts of land ownership, specifically fungible freehold title. This is a fundamental misunderstanding of the importance of First Nations' unique connectivity to country, and it's not surprising that those who advocate this approach often have the most to gain by assimilating First Nations tenure into mortgageable form.

In his 1974 report on the recognition of Aboriginal land rights in the Northern Territory, Justice Edward Woodward described the aims of land rights as including:

- The preservation ... of the spiritual link with his own land which gives each Aboriginal his sense of identity and which lies at the heart of his spiritual beliefs;

The recognition of pre-existing collective and deeply spiritual interest in land was also the basis of the High Court's Mabo decision nearly two decades later.

There needs to be an innovative solution. Seeking to protect these unique features of First Nations land title does not mean staying stuck in the past. We must find new, innovative solutions that will enable First Nations people to derive benefit from their land. A good deal of effort should focus on seeking reform of financial and commercial systems to enable Aboriginal and Torres Strait Islander peoples to leverage their title while retaining, intact, its unique characteristics. We are an innovative country and this should not be beyond us.

Several of the committee's recommendations relate to strengthening First Nations tenure and making it more meaningful. Central to this is the principle of free, prior and informed consent, endorsed by Australia in the United Nations Declaration on the Rights of Indigenous Peoples. Free, prior and informed consent empowers First Nations people to give or withhold consent to projects that affect them and their lands. But, as the committee recognised, in order to exercise this right First Nations communities must be well resourced and equipped so they can be free from any form of coercion in decision-making. This is why the committee has reiterated its recommendation from the Juukan report that there should be a review of the Native Title Act to address the inequities between traditional owners and proponents. It's also why the committee has recommended increasing funding for the PBCs and representative bodies. It is critical that these institutional structures have sufficient financial resources, human resources and expertise to enable them to operate effectively within the native title and land rights regimes.

Township leasing is a perfect example of the importance of these principles. Township leasing in the Northern Territory was a product of the Howard era and was originally introduced without Aboriginal support. While I share a hope, expressed in the committee's report, that new forms of community led township leasing could unlock potential, its success depends on an adherence to the principle of free, prior and informed consent.

In conclusion, I thank my fellow committee members and our chair and deputy chair for their continued interest in and commitment to pursuing these important issues. I urge the government to make all efforts to implement the committee's recommendations.

Senator COX (Western Australia) (18:34): I rise today to speak to the tabling of the report of the inquiry into the opportunities and challenges of the engagement of traditional owners in economic development in northern Australia. This inquiry canvassed a number of important issues regarding economic development opportunities and challenges for traditional owners, including the role of land rights, native title, representative bodies and government entities.

I was pleased to see that the inquiry highlighted an important point that I have continued to raise since becoming a senator. First Nations people are not opposed to economic development. The breadth of evidence presented to the committee clearly demonstrated that First Nations people want to take up economic opportunities across northern Australia. We want to do this while strengthening our communities and maintaining our ongoing connection to country and to culture. This was eloquently explained by Mr Yingiya Mark Guyula MLA, from the perspective of the Yolngu people:

Yolngu are not opposed to economic initiatives on our lands; quite the opposite. But we need to create pathways for sustainable business development that upholds our traditional decision-making processes and our law, and respects our authority for determining 'economic development' on our country ... There is a great desire to create and build business, rather than receiving royalties that becomes 'sit-down' money.

However, in order to make the most of economic development opportunities, First Nations people need to be placed at the centre of decision-making, as noted by the Kimberley Land Council:

Past experience proves that, when engaged by government and industry in good faith, Traditional Owners are empowered to identify commercial opportunities which use resources sustainably, thus protecting Indigenous-held core values of country and culture whilst building strong communities and capability.

As noted in the inquiry report, there are limits to the extent to which conventional approaches to economic development in First Nations communities can be effective. This is a timely reminder to governments and policymakers that we should not be imposing a uniform approach to economic development. Instead, I believe there is a strong case for looking towards new and emerging approaches to development that will improve our capacity as First Nations people to self-determine our future. The committee looked into a broad range of economic and social development enterprises being pursued by First Nations communities, including cultural enterprises, tourism, environmental enterprises, ranger programs, pastoralism and mining.

Carbon farming is a wonderful example of an environmental enterprise that is already resulting in strong economic returns for traditional owners. As at December 2021, there were 33 Indigenous owned and operated savanna fire management projects. The Indigenous carbon industry is now estimated to be valued at around \$53 million per annum. Indigenous carbon credits are also attracting a substantial premium on the voluntary market due to the multiple benefits they deliver both to communities and to the environment. Savanna burning and fire management generate huge social, cultural and environmental benefits that provide hundreds of jobs on country for our mob. I'm looking forward to hearing more about traditional owners becoming key players in the aquaculture and blue carbon-farming industry.

Indigenous rangers are another example of programs that deliver real benefits for First Nations communities. The Indigenous ranger program not only creates jobs on country but also provides long-term career paths in conservation and land management. The Greens strongly support the recommendation that the Australian government provide enhanced support for the Indigenous ranger program, including the provision of secure long-term funding to facilitate strategic planning for sustainable environmental outcomes.

Renewable energy also offers ample economic opportunities for traditional owners in northern Australia. One example highlighted in the committee's report was the renewable energy sector strategy implemented by Indigenous Business Australia, commonly known as IBA. This strategy has assisted in replacing diesel fired electricity generation with renewable energy and storage solutions in remote communities. The shift to solar power has allowed mob to live more independently on their own country.

If we're going to really support traditional owners to make the most of economic opportunities, we need to advance innovative approaches that are led by First Nations people.

One of these opportunities comes in the form of a First Nations trade-led strategy. At the moment there is no foreign investment going into First Nations business in Australia, but, by securing Indigenous inclusions in our free trade agreements, we could tap into \$100 billion Indigenous economy. I hope the northern Australian community can continue to look into the economic benefits of a First Nations trade-led strategy, especially following the tabling of the UK-Australia free trade agreement today.

It would be remiss of me not to mention some of the government's policies and programs that actually hold traditional owners back from taking advantage of economic opportunities. One of the key barriers that comes to mind is the use of the Northern Australian Infrastructure Facility, also known as NAIF, to fund programs that First

Nations people do not consent to and projects that harm country instead of protecting it, like the Perdaman fertiliser plant near Murujuga or the fossil fuel projects across the Top End. If we are serious about self-determination, we cannot have projects like NAIF going against the interests and wishes of traditional owners.

I would like to end this with some observations about the role that the mining and resources sector plays in the economic development space for northern Australia. As noted in the inquiry's report, the power imbalance between traditional owners and development proponents needs to be redressed through better resourcing and institutional capacity. In line with this, I welcome the committee's recommendation for increased funding for PBCs and funding for capacity building. However, as outlined in my additional comments, the capacity to negotiate good, quality agreements with proponents is not just about resourcing; it's also due to the absence of free, prior and informed consent.

When negotiating agreements, proponents often undertake inadequate consultation processes. As evidenced in the Juukan Gorge inquiry, there are many examples of proponents not properly engaging with traditional owners on affected country. Until the principle of free, prior and informed consent is embedded in our legislative frameworks, First Nations people will continue to face barriers to pursuing economic opportunities that protect country and culture. It is time for Australian governments on all levels to fully implement the United Nations Declaration on the Rights of Indigenous Peoples. First Nations knowledge and culture is not a challenge to economic development in northern Australia; it is a strength. Some of the best solutions to the current challenges faced by traditional owners will be those that uphold communities' decision-making processes, support the protection of country and improve our capacity to self-determine our future.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Senators' Interests Committee

Report

Senator CICCONE (Victoria—Deputy Opposition Whip in the Senate) (18:43): On behalf of Senator Bilyk, I present the first report of 2022 of the Standing Committee of Senators' Interests. I move:

That the Senate take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Scrutiny of Delegated Legislation Committee

Delegated Legislation Monitor

Consideration resumed of the motion:

That the Senate take note of the report.

Senator FIERRAVANTI-WELLS (New South Wales) (18:43): I rise to speak to the tabling of the committee's *Delegated legislation monitor No. 2 of 2022*. Before commenting on the monitor which has just been tabled, I would like to draw the chamber's attention to an instrument which the committee raised in monitor 1 of 2022, which was presented out of sitting in January. The Treasury Laws Amendment (Greater Transparency of Proxy Advice) Regulations 2021 impose new obligations on financial services licensees who provide proxy advice. These obligations include requiring proxy advisors to provide their advice to entities that are the subject of that advice and requiring relevant licensees to be independent of their clients.

Importantly, these measures will be achieved by the regulations modifying the Corporations Act, without the need for amending legislation to be passed. Ordinarily the corporations regulations are limited to imposing penalties of \$11,100 on individuals and \$111,000 on body corporates. This is an important safeguard to ensure significant penalties are only imposed after careful consideration by the parliament. However, as this instrument modifies the Corporations Act, individuals will be subject to civil penalties of up to \$1.1 million and body corporates will be subject to civil penalties of up to \$11.1 million. Individuals will also be subject to criminal offences that could see them imprisoned for up to five years. The committee is concerned that these significant penalties are being imposed without full parliamentary consideration.

Adding to the committee's concern in relation to these substantial penalties is the lack of clarity of drafting of key terms. For example, further clarity could be provided in relation to the requirement for proxy advisors to be independent of the entities which they advise. This lack of clarity could leave licensees unaware of what is required of them and may lead to inconsistent application by regulators. The committee is particularly concerned that delegated legislation is being utilised to implement these significant new obligations, which may have a major impact on the business model and operation of existing businesses that provide proxy advice. While the committee

does not comment on the policy merit or otherwise of these changes, the committee considers that it would be more appropriate for such significant matters to be dealt with by way of primary legislation so that these matters can receive full parliamentary scrutiny. The committee has written to the Treasurer seeking his advice regarding these significant matters.

Turning to the monitor that has just been tabled, I would like to draw the chamber's attention to the Financial Framework (Supplementary Powers) Amendment (Health Measures No. 6) Regulations 2021. This instrument establishes legislative authority for government spending on a COVID-19 vaccine compensation scheme. At the outset, I wish to emphasise that the establishment of a compensation scheme for those who suffer adverse effects of a vaccine is not at issue. What is at issue is that there is no parliamentary oversight whatsoever of crucial aspects of the scheme, such as the eligibility criteria or the level of compensation that may be provided. The committee expects that a scheme of such national significance would ordinarily be established through primary legislation. Instead, the crucial aspects of the scheme are not even included in the delegated legislation. In fact, the provision in the instrument which sets out authority for the entire vaccination compensation scheme is a mere 93 words. All of the detail in relation to the operation of the scheme is provided for by guidance material which is beyond parliamentary scrutiny and can be changed at any time and without any oversight. The committee is concerned about instruments which do the bare minimum of establishing a program and then leave the substantive content to be provided for by guidance material. Such instruments not only fail to meet what we as senators should expect technically sound and robust instruments to be but diminish our ability to provide scrutiny. We should be vigilant in relation to this trend going forward, as it undermines our role of providing proper parliamentary oversight over the executive government.

In addition to these concerns, the instrument provides no indication as to the anticipated cost of the scheme. The Senate is being asked to wave through a program with potentially unlimited spending that is supported by a legislative provision of less than a hundred words. The committee considers this completely unacceptable. The committee has previously written to and received advice from the Minister for Finance and the Minister for Health and Aged Care on these issues and will now write again seeking the ministers' further advice.

The committee will emphasise in its correspondence that, although the scheme is already in operation, there is a serious possibility that the committee will recommend that the Senate disallow the instrument if its scrutiny concerns are not resolved. To this end, I advise the chamber that tomorrow I will give a protective notice of motion to disallow the instrument on behalf of the committee.

Finally, I would like to take the opportunity to highlight the committee's significant concerns in relation to the failure of ministers to respond to the committee's scrutiny concerns in a timely manner. This includes a response from the Minister for Industry, Energy and Emissions Reduction in relation to the Australian Renewable Energy Agency (General Funding Strategy) Determination 2021. Another significantly overdue response is a response from the Minister for Health and Aged Care in relation to the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Variation (Extension No. 3) Instrument 2021. Both responses were due in November last year.

I would like to take this opportunity to remind ministers of the resolution of the Senate of 23 February last year concerning the engagement of ministers and agencies with the committee. In this resolution, the Senate calls on all ministers and agencies to respond to the committee's request for information within the time frames set by the committee. The committee works on a nonpartisan basis to resolve its scrutiny concerns and relies on timely and constructive engagement from all ministers and agencies in order to fulfil its mandate. With these comments, I commend the committee's *Delegated legislation monitor: monitor 2 of 2022* to the Senate.

Question agreed to.

Public Works Joint Committee

Treaties Joint Committee

Report

Senator CHANDLER (Tasmania—Deputy Government Whip in the Senate) (18:51): On behalf of the Parliamentary Standing Committee on Public Works, I present the committee's first report of 2022. On behalf of the Joint Standing Committee on Treaties, I present the committee's 199th report.

Economics References Committee

Report

Senator KITCHING (Victoria) (18:52): I move:

That the Senate take note of the report.

I'm pleased to have the opportunity to speak to the tabling of the Senate Economics References Committee's report into the Australian manufacturing industry. I want to thank my colleague Senator Chisholm, the chair of the committee, and the other members of the committee for the work that has gone into this report. I also want to thank Mr Mark Fitt, the committee secretary, and other members of the secretariat for the support they have given to the committee's work.

This is a timely report, as we are nearing the end of this parliament and the voters will soon have an opportunity to decide our country's course for the next three years. Among, I think, the many issues that will be before the voters will be industry policy; and, as the majority and minority reports that are now before the Senate make clear, the voters will have a choice because the policy approaches from the coalition and from the Labor opposition are different.

This report documents the sharp decline in Australia's manufacturing capacity over the last 30 years. As a share of the total economy, manufacturing has fallen from about 16 per cent in 1986 to seven per cent today. Over the past 20 years, employment in manufacturing has fallen by 100,000, while employment in the services sector has correspondingly risen. Australia has shifted from a manufacturing economy to a services economy. This seismic shift in the Australian economy has been the direct result of the economic reforms of the Hawke and Keating governments between 1983 and 1996, particularly the demolition of the tariff wall that had sheltered Australia's inefficient and non-competitive manufacturing industry since Federation. I don't make any apologies for those reforms. I'm glad of them and I'm glad of the consequences of them.

Despite the cost to Australia in terms of manufacturing employment, the Hawke-Keating reforms have been of huge overall benefit to Australia. One of the reasons that we have had 30 years of almost uninterrupted growth and prosperity is that inflation has been held down by waves of very cheap consumer goods from Asian countries, which means that wage gains achieved through higher productivity have not been eroded by inflation as they were before 1983.

But we have to acknowledge that the world of 2022 is not the world of 1983. Under Deng Xiaoping and his successors, the People's Republic of China seemed to be heading towards becoming a genuine market economy, towards integration into the global rules-based trading system represented by the World Trade Organization and towards becoming a reliable and responsible trading partner for Australia. Instead, under President Xi Jinping, China has reverted to a state directed economy, in a quest for regional hegemony in both the economic and political spheres, and to a trade policy which rewards subservience to the Chinese Communist Party's agenda and punishes countries, such as Australia, which defy Beijing's diktats.

This development has exposed the perils of overreliance on a single trading partner, a single market for our exports and a single source of imported manufactured goods, particularly high-tech goods. We find ourselves dangerously exposed here. Remember, we haven't had enough PPE in the last couple of years. Indeed, Labor's trade and resources shadow minister, Madeleine King—who, may I say, would serve excellently in these roles in government—has called for a diversification of Australia's trade profile. She has argued, as have I, that we should be doing much more to engage with India and especially our neighbour to the north, Indonesia, which has a fast-growing middle class, as well as other regional ASEAN nations.

Our dilemma has further been cruelly exposed by the supply crisis brought on by the COVID pandemic, unfortunately now entering its third year. As I've said, we've faced successive shortages of masks, personal protective equipment, respirators, vaccines and, more recently, rapid antigen tests. It must be acknowledged that a contributory factor has been the difficulty in securing these products at a time of universal demand for them, not least in the source country.

We must face up to the fact that Australia's manufacturing policy settings are no longer fit for purpose. We cannot go on with an economy that relies on bulk exports of raw materials such as iron ore and coal to pay for a stream of manufactured goods from China and other Asian countries. No-one, certainly not I, is suggesting that we should return to the high-tariff regime of the decades before 1983. As the US under President Trump discovered to its cost, erecting tariff barriers just invites retaliation from trading partners, starting a trade war which finishes up harming both sides. But Australia does need to take serious measures to stimulate a revival of manufacturing in this country, both for reasons of national security and so that we are never again caught short by a supply crisis of essential manufactured goods as we have been over the past two years.

The Labor members of the Senate Economics References Committee have made a series of carefully considered and economically responsible recommendations which will, if implemented by an incoming Labor government, send our manufacturing industry policy in a new direction. They include measures to facilitate both public and private investment in manufacturing both for export and for the domestic market. They propose measures to increase the level of superannuation fund investment in manufacturing industries. They propose significant increases in

support for research and development to improve and stimulate the development of self-sustaining manufacturing. Most importantly, they urge the revival of Australia's vocational education sector, particularly by ensuring that vocational courses in occupations with current or forecast skills shortages are accessible and affordable. Only by doing this can we restore the skills base needed both for a viable defence manufacturing sector and for high-tech medical and scientific production, which we obviously need much more of. Labor state governments, such as the Andrews government in my home state of Victoria, have begun this process by reviving the TAFE system after it was allowed to be run down so dangerously by previous governments, but I think this requires national leadership, and that must come from a Labor federal government.

I'd also like to note that Senator Patrick has supported the position taken by the Labor members of the committee. I would say that Senator Patrick has shown his usual good judgement.

In his additional comments, aptly titled 'Stop just exporting rocks', Senator Patrick makes the point that, as important as the resources sector is to the wealth and prosperity of our nation, we cannot be content with just being a quarry.

No-one is suggesting that we should abandon our resources sector. A rush to do this would leave a huge revenue gap, not to mention the social devastation. Indeed, what would we replace this with in the short term? What services would need to be cut? What is clear, though, is that we need to couple this with more diversity in our economy. We rested on the economic windfalls that came in year after year in the lead-up to the GFC, and now we're behind the eight ball when it comes to diversification.

Part of the problem is that we lack complexity in our economy. We haven't invested enough in research and development or upstream value-added industries, and we heard quite a lot of this in the evidence on one of the hearing days. According to the Harvard Atlas of Economic Complexity, a index that measures the sophistication, diversity and opportunities of various nations, Australia ranks 86th in the world on the list, behind Iran, which is at 80, Albania, at 83, and Paraguay, at 85. While in many ways this is a simplistic measure, it does point to a problem. In contrast, Singapore, a country that has almost no natural resources and has to import both water and sand, ranks at No. 5 on the index. Since gaining independence in 1965, Singapore has invested heavily in research and development to become a world leader in numerous industries, notably in fintech and pharmaceuticals. There is no reason Australia cannot do something similar if we put our minds to it. Of course, we also have the great example of Israel. Ensuring Australians are better educated, better trained for work and reskilled has never been more important. If we don't do this, our economy is going to go backwards. We won't remain at 86; we'll be out of the Atlas of Economic Complexity. Productivity growth should be front and centre on our list of policy priorities.

From flight recorders to electronic pacemakers, Google Maps, penicillin, the bionic ear, plastic lenses, Gardasil, wi-fi and even the Hills hoist, Australian brains have provided countless inventions for the betterment of humanity. But we've stopped inventing things and making things, and these success stories belie the fact that today we have the same export profile as Uzbekistan. We all watched with horror as the former Treasurer, in the other place, goaded the local car industry to leave Australia. That was unacceptable and unforgivable. The men and women who worked in this industry and their families and loved ones have not forgotten.

When it comes to manufacturing in this country, we must have reformers and thinkers. There is a dissenting report, which I presume Senator Scarr will speak to. But there was a lot of interest, I think, from all committee members.

Senator SCARR (Queensland) (19:03): [by video link] At the outset, I would like to recognise the outstanding contribution which Senator Kitching made to this inquiry, and I commend her for that. I echo her sentiments with respect to the outstanding job which the secretariat undertook in preparing this report. For those who are interested in looking at it sometime, it is a good compendium of different views on the future of manufacturing in our country.

So where do we agree? In the first instance, we certainly agree about the importance of manufacturing to our country. I am far more optimistic than Senator Kitching and the members responsible for the majority report about the current status and the projections for our manufacturing industry. All the evidence suggests that the federal government's Modern Manufacturing Strategy has actually been successful in supporting critical parts of our manufacturing industry and addressing some of the concerns which Senator Kitching referred to. We are also on the same page with respect to the importance of research and development and also vocational educational training. Again I would say to the Senate that there are many, many initiatives, which have been extraordinarily successful, to promote both of those areas in a targeted and proportionate way.

It is at that point that our views diverge.

Whereas the majority report members—the Labor Party and Senator Patrick—believe in an increasingly government driven, interventionist approach to promoting manufacturing, Senator Bragg and I, being the dissenting members, believe that the far better approach is one which is targeted and proportionate in this respect.

I want to touch on three areas which caused us substantial concern and led us to write such a strongly worded dissenting report. The first is the centrepiece of the majority report, which is the establishment of what can only be called a mega manufacturing industry fund. A \$15 billion manufacturing industry fund is the centrepiece of the majority report. In relation to the reasoning which supports this key recommendation of the majority report, can I just say that the reasoning in the majority report is inconsistent. In paragraph 5.2 of the majority report it is stated:

The opportunity exists for Government to establish a framework for manufacturing without running the risk—
without running the risk—

of favouring specific sectors or business models.

Yet then, at paragraph 6.9 of the majority report, it is stated:

The committee supports a range of incentives and stimulus measures including the provision of equity, co-investment, direct government investment, and facilitating private sector investment, including by superannuation funds—

Hence there's a gross inconsistency that goes to the heart of this key recommendation from the majority report.

The reasoning then culminates in key recommendation 2, which provides:

The committee recommends that the Australian Government establish a Manufacturing Industry Fund to provide a range of co-investment incentives to the manufacturing industry in conjunction with the private sector.

Mr Acting Deputy President, I say: instead of looking to subsidise private sector enterprises, look at the barriers to investment, growth and job creation and address those barriers instead of taking money out of the hands of Australian taxpayers through a government siphon provided to the private sector.

There is a material issue going to the heart of this majority report, and I ask those Labor senators who are supporting this initiative with respect to this mega manufacturing fund: why can't the particular venture attract equity investment or debt support? Why does it need government support? If the private sector will not invest its equity in a venture, nor will commercial lenders advance sufficient debt funds, why should the government risk taxpayers' money? In our view, the focus should be on government policies which drive productivity and remove barriers to private sector investment.

The second concern I want to raise in relation to the majority report goes to superannuation funds and the role of superannuation in our economy. In recommendation 3, the majority report refers to the establishment of:

... a Superannuation Task Force to explore, develop and recommend structural changes and possible incentives-based programs and regulations to increase the level of Australian superannuation fund investment in Australian manufacturing industries, particularly those with an export focus.

Senator Bragg and I strongly disagree with this recommendation. Superannuation funds should make investments in the best financial interests of the Australians who own those funds. The purpose of superannuation is to provide for the retirement of the Australians who work to earn those superannuation funds, not to support some collateral purpose, however well intentioned. Any initiative which does not recognise this fundamental principle should be rejected. Government should not use superannuation funds as a potential pool of capital to be mobilised to achieve government policy objectives, however well intentioned. The proposed task force and what it might lead to in practice is scant on detail. Phrases such as 'structural changes' and 'possible incentives based programs and regulations' are cause for substantial concern. At best, they may result in the distortion of decision-making processes to try to achieve a public policy aim which is collateral to the purpose of superannuation.

At worst, they could drive, or mandate by regulation, investments which may not be in the best financial interests of members who own the superannuation. It is their superannuation, not the government's.

The third area of concern is in relation to a number of recommendations relating to industrial relations matters. Whilst most of the language is vague and general in nature, it is cause for substantial concern that it signals an intention for a far more centralised and interventionist industrial relations approach. If I can give one example: there is a proposal here that the Australian Building Code 2016 be reviewed. That building code is absolutely essential to underpinning the rights of Australian construction workers, subcontractors and small businesses to freedom of association on Australia's construction worksites. It is a source of great concern to Senator Bragg and me that the Australian Building Code 2016 is being proposed for review. We are extremely concerned that that signals that a future Labor government would be concerned with removing some of the protections against those members of, in particular, the construction division of the CFMMEU who have not conducted themselves in accordance with Australia's industrial relations laws. That causes Senator Bragg and me a great deal of concern. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Report

Senator STEELE-JOHN (Western Australia) (19:11): I move:

That the Senate take note of the report.

Having heard firsthand the experiences of the victims of the collapse of Sterling Income Trust, I want to acknowledge that the situation that has unfolded should not have been allowed to happen. Retirees involved in the scheme sold their homes to free up funds and then move into rental properties managed by Sterling First. They expected to stay there comfortably for the rest of their lives. Instead, the victims of Sterling First were ripped off. Some were left without their savings or, indeed, homeless. Instead of years building community and enjoying their retirements, these older people have spent years lobbying, campaigning and trying to get justice for their circumstances, left behind and falling through the gaps within the law. People with a track record such as those behind Sterling First should not be able to sell financial products, and regulators such as ASIC should have intervened earlier to stop what was happening to avoid people being ripped off.

I am pleased to read that the report includes recommendations such as:

The committee recommends that the Australian Government take all necessary action to support investors in the Sterling Group of companies, including those who invested in the Sterling Income Trust and Silverlink Preference Shares, being able to access the Compensation Scheme of Last Resort.

and:

The committee recommends that the Australian Government expand the scope of the Compensation Scheme of Last Resort to include managed investment schemes.

I hope these recommendations are picked up and actioned quickly so that those deeply impacted get justice and can get back to their retirement in peace and joy. I thank them for their active advocacy and their determination to ensure that their story was heard and that their representatives took notice of the injustice that was done to them.

Senator PRATT (Western Australia) (19:14): I also want to speak to this report. I was the instigator of this inquiry before the Senate. It is true there were devastating impacts on the victims of this financial collapse, and there was the absolute failure of ASIC and the government to take timely action to address these issues.

Back in 2015, ASIC first had complaints about the Sterling Income Trust. Purportedly, it inquired into them. Then, in 2017, the state government had concerns about the scheme and referred the issue to ASIC in order to see it address those concerns.

The issue here is that we have an investment product that is both a retail investment, where people invest in a managed investment scheme, and at the same time a leasing arrangement. It was too good to be true, but no-one told these vulnerable consumers that that was the case. They were told by the proponents of this scheme that they would be able to pay their money upfront and get a lease arrangement that would last 40 years, and at the end of those 40 years—or upon their death—they would get all of their money back. They were told that this was ironclad and that their money was held in trust. We've already seen through determinations before AFCA that this company engaged in false and misleading conduct and that that has resulted in calls on the insurers of these companies to have those initial claims paid out. The issue now is that we know this company engaged in false and misleading conduct but we haven't seen adequate action taken by ASIC in that regard. It was very slow to act. We've been told that it might be looking at referrals to the Director of Public Prosecutions and the like, but, frankly, this is all too little, too late.

The product disclosure statements of these products were also false and misleading, and the 'buyer beware' approach of ASIC, where companies can say and do what they like and the regulator takes absolutely no accountability for what is said in a product disclosure statement, is part of what has seen these people lose their money. One of the product disclosure statements was withdrawn in around 2019 because ASIC asked for it to be withdrawn, because it was false and misleading. What did the company then go and do? It just put out more product disclosure statements with different variations which conned more people out of their money and into making this investment. It seems to me like all of the product disclosure statements attached to this company would, if ASIC had looked closely enough, have been found to be false and misleading.

When ASIC visited the residents who were renting homes through this scheme, it did not disclose to them that there were problems with the scheme, and the people who were in those homes were none the wiser. They didn't know that their money was on the verge of being lost and that, frankly, the company had already spent most of it, even though they had been told that it was held in trust. They had no expectation to complain at the time, because they did not have the insight and oversight as to how those investments were performing, but ASIC refused to look and to intervene before the company collapsed.

The state department responsible for consumer protection, DMIRS, referred the issue to the Commonwealth back in 2017. There were legal tenancies in place, but they acknowledged that the nature of an investment that overlooks a tenancy and the way it intersects is clearly an issue that federal and state governments need to look at together, which is exactly what our committee has recommended. It has recommended that this issue be reviewed. I endorse

the recommendations. I am wholly horrified by what has happened to these victims of this financial collapse, and I wish I had longer to debate the issue tonight.

The ACTING DEPUTY PRESIDENT (Senator McLachlan): We have hit the hard marker. The debate related to the Sterling Income Trust is in continuance. Senator Scarr, you will be able to make your contribution on the next occasion.

PARLIAMENTARY ZONE

Proposed Works

Senator HUME (Victoria—Minister for Superannuation, Financial Services and the Digital Economy and Minister for Women's Economic Security) (19:20): In accordance with the provisions of the Parliament Act 1974, I present a proposal for works within the Parliamentary Zone relating to the installation of a sculpture at the National Gallery of Australia. I seek leave to present a notice of a motion in relation to the proposal.

Leave granted.

Senator HUME: I give notice of the motion relating to the proposal, the full terms of which will be delivered to the Clerk.

BILLS

Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator PRATT (Western Australia) (19:20): I seek leave to submit a contribution from Senator Wong to be incorporated into the *Hansard*.

Leave granted.

The document read as follows—

I support the passage of the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021.

In recent months, I have been contacted by so many people urging support for Maeve's Law: parents suffering the tragic loss of a child from mitochondrial disease, their advocates, and even researchers dedicated to avoiding these tragedies.

It is impossible not to be moved by their stories.

I want to mention one South Australian mother who wrote to me, Suzie, who lives in the Adelaide Hills.

While her community was being devastated by the Black Summer bushfires, she was suffering an additional heartbreak, as her baby Dot succumbed to mitochondrial disease.

Courageously, she has turned her grief into powerful advocacy, raising awareness of a disease that can be incredibly serious for young children. I want to thank Suzie for sharing her story with me, acknowledge her work, and the work of everyone advocating for Maeve's Law. I also acknowledge the contributions of my colleagues who have held the Health portfolio in recent years - Ms King, Mr Bowen, Mr Butler - and indeed the Minister for Health, who have all helped get us to this point.

Suzie's heartbreak is all too common. On average at least one baby is born every week with severe mitochondrial disease, and most of those babies will die within the first five years of their life.

The Mito Foundation estimates that one in 200 people in Australia carry the genetic change that puts them at risk of developing mitochondrial disease or passing it on to their children.

Understanding how mitochondrial disease works explains why we can't overcome it without Maeve's Law.

Mitochondria make energy within the body's cells, meaning they are critical for cell survival. Mitochondria have been variously described as the powerhouse or battery pack of a cell. Mitochondria have their own mitochondrial DNA, and mitochondrial disease can be caused by mutations in the mitochondrial DNA or in nuclear DNA.

The effects of mitochondrial disease can vary considerably, from mild to life threatening.

It mostly affects the parts of the body that require the most energy - like the brain, muscles, kidney and heart. In some cases the symptoms can be managed, but in serious cases there is no effective treatment, and there is no cure.

Mitochondrial donation is an assisted reproductive technology that, when combined with IVF, has the potential to allow women whose mitochondria would predispose their potential children to mitochondrial disease, to have a child without that disease.

A number of colleagues have described the two techniques at length, so I will summarise with a quote from my colleague in the other place, Mr Butler, who said:

"...These techniques use the donor's egg, which is not particularly novel—a well-known technology—and the donor's mitochondrial DNA. The donor's nuclear DNA—that is, all of the DNA that goes to make up what we'd understand to be the unique characteristics of the donor as a person; their appearance, their personality, their intellect and

so on— is removed from the egg and it is replaced by the nuclear DNA of the mother. So all of those characteristics that we would understand to be inherited from our mothers all come from, all flow from, the nuclear DNA. And that nuclear DNA from the mother is inserted into the donor's egg along with the battery pack, along with the mitochondrial DNA. That is a very important distinction—between the nuclear DNA and the mitochondrial DNA."

As it stands, these donation techniques are currently prohibited.

Maeve's Law - or its more formal title of the Mitochondrial Donation Law Reform Bill 2021 - will legalise mitochondrial donation for particular research, training and reproductive purposes. It introduces safeguards to ensure that the techniques are safe, effective and properly regulated, and to protect the privacy of persons who make use of these techniques.

It will introduce mitochondrial donation in a staged and closely monitored way, first focusing on research and training, and the second stage commencing when regulations are made prescribing donation techniques for use in clinical practice. Before that could occur in any State or Territory, that State or Territory would need to enact its own laws authorising the use of the technique.

I understand there are some in our community who hold genuine concerns that this Bill presents risks - that it is a pathway to designer babies and gene editing.

I urge those who have such concerns to read the excellent publications produced by the Mito Foundation or the comprehensive report of the Senate's Community Affairs References Committee which conducted an inquiry in 2018 into the science of mitochondrial donation and other matters - and I thank my colleagues Senators Keneally, Pratt and Watt for their hard work on that inquiry.

Their work affirms that mitochondrial donation works by preventing the transmission of mitochondrial DNA diseases to a child by creating an embryo with nuclear DNA from the intended mother and mitochondrial DNA from a donor.

It does not contribute to a person's genetic identity because mitochondrial DNA only provides energy to the cells - unlike nuclear DNA which is responsible for a person's physical and cognitive characteristics. In other words, a recipient of donated mitochondrial DNA will not resemble the donor.

My contribution to this debate is as a private senator; this is a conscience issue for both major parties.

In voting their conscience, I urge all senators to evaluate the work our colleagues have done on this issue, and consider the terrible grief suffered by too many Australian families and facing the tragic loss of young Australian lives.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (19:21): This bill has been named in honour of Maeve Hood and the tireless work of her family to raise awareness and build support for those people in our community suffering from mitochondrial disease. It has been named the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021. Maeve is a young child who suffers from a type of severe mitochondrial disease. She can't talk. She can't walk independently. It also means, heartbreakingly, that she may not see her next birthday. Despite these incredible challenges, Maeve is a fiercely loved family member—a little sister, a daughter, a niece and a granddaughter. Her family describe her as the most beautiful and sensitive little girl.

However, even with the challenges they face, Maeve's parents, Sarah and Joel, are paving the way for other families to avoid their heartache and to have a biological child who does not suffer the debilitating effects of this disease. That's what Maeve's Law seeks to achieve through a carefully crafted process. Maeve's Law will create this pathway through amendments to the Prohibition of Human Cloning for Reproduction Act 2002 and the Research Involving Human Embryos Act 2002. These amendments will harness new assisted reproductive technologies that will provide parents with the option to have their own biological child while minimising the risk of transmission of mitochondrial disease.

These technologies fall under the umbrella of mitochondrial donation, a term that encompasses IVF based assistive reproductive technology. With the help of a donor, it minimises the risk of a mother passing mitochondrial disease onto her child. It is new and it is complex, but it is not untested. Under stage 1, mitochondrial donation will be legalised for lab based research and training purposes. This will be followed by allowing some families to access the technique as part of a trial at one carefully selected, licensed and Commonwealth funded clinic.

Making the technology more readily available in a range of clinical settings within stage 2 will be the subject of a separate decision of government. This decision will be informed by the success of stage 1, expert opinion and community consultation. In developing Maeve's Law, we have looked to the experiences of the United Kingdom, where mitochondrial donation was legalised in 2015. We have also had close regard to the outcomes of the 2018 Senate inquiry and consultations undertaken by the National Health and Medical Research Council over 2019-20.

The development of the bill has been informed by the government's direct consultations. There has been extensive consultation with experts, scientists, clinicians and researchers, members of the community more broadly, advocacy groups, ethicists, our state and territory counterparts and, fundamentally, of course, Sarah and Joel Hood. Collectively, this input, expertise and direct experience has shaped the introduction of this technology through the careful two-stage process proposed.

I acknowledge that not all members of the community or this Senate are comfortable with the use of this technology. That is why a conscience vote is being called on the bill. While our government is committed to providing families with access to this technology, we are also committed to ensuring it is being delivered safely and effectively every step of the way. For this reason, Maeve's Law has inbuilt protections and safeguards. The bill provides for five different types of licenses, with corresponding steps in stage 1 and stage 2.

Each of these licences will require an application to the NHMRC, which, after careful vetting, will then closely monitor the activities of that specialised clinic.

In honouring Maeve, this bill seeks to offer hope. It offers hope to those parents who wish to avoid the possibility of passing on severe mitochondrial disease to their biological children, a disease that leaves one baby born each week with disabling suffering and with a life that will likely be cut short at around five years of age at most. Maeve's Law will help to bring an end to this suffering. It will provide the pathway that gives parents greater certainty of opportunity to have biological children who are free from severe mitochondrial disease and for those children to have the best possible start and opportunities in life.

On behalf of the government, I thank the key stakeholders and the broader community for their valuable feedback during the public consultation, which has been immensely important to inform the development of this bill. I also acknowledge the personal work of the minister for health, Mr Hunt, and indeed the commitment of the Prime Minister in his work with those who have been affected by mitochondrial disease in seeking to bring this reform to the parliament. I thank senators for the various thoughtful, heartfelt contributions that have been made from different perspectives around the chamber, but I do commend this bill in its presented form to the chamber for passage. I thank the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

The ACTING DEPUTY PRESIDENT (Senator McLachlan) (19:27): The question is that the bill stand as printed.

Senator O'NEILL (New South Wales) (19:27): I move opposition amendment (1) on sheet 1542:

(1) Schedule 1, page 3 (before line 3), before the heading specifying *Prohibition of Human Cloning for Reproduction Act 2002*, insert:

Gene Technology Act 2000

1A Subsection 10(1) (definition of *gene technology*)

Repeal the definition, substitute:

gene technology means:

- (a) any technique for the modification of genes or other genetic material; and
- (b) a mitochondrial donation technique (within the meaning of Part 2 of the *Research Involving Human Embryos Act 2002*);

but does not include:

- (c) sexual reproduction; or
- (d) homologous recombination; or
- (e) any other technique specified in the regulations for the purposes of this paragraph.

We also oppose schedule 1 in the following terms:

(2) Schedule 1, item 103, page 56 (lines 16 to 23), section 47 **to be opposed**.

It seeks to amend schedule 1. In effect, it's about introducing a degree of accountability and transparency to the MRT process that is the subject of the bill in the debate.

I'm particularly keen to advance this amendment in light of the evidence that we were unable to actually ascertain as we undertook the inquiry through the Community Affairs Legislation Committee, which tabled this report, *Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021 [Provisions]* in August 2021. We participated in what felt like a very rushed hearing, and perhaps that's why today it's really important that we do take the time. We've had the time to have a look. My amendment really responds to the fact that when we look at the UK—the only other jurisdiction in the world where this scheme, this technique, is being operated—we were unable to get any data to explain to us about what was going on, to get an indication of what had happened in the five years that this scheme has been in place in the UK. I don't think we need to make the same mistake in Australia. Australians expect us to be transparent about what's going on, and Australians are investing \$10 million, if the bill should pass,

in a new technology that requires radical change to the laws of this country to allow techniques that have been illegal for the last 20 years. We deserve to know what's going on.

I believe that the long-term effects of germline editing should absolutely require a higher level of oversight from expert government agencies than is currently provided for in this bill, and I do believe that there is a role for the existing government bodies to oversee this process as they would do in normal circumstances. So, we need to let the efficacy and safety of these techniques first be proven through the rigours of the scientific process before we legalise them, and they should be given the scrutiny that is outlined in my amendment. I urge senators to vote for this commonsense measure of a higher degree of accountability that currently exists within the bill.

Senator WATT (Queensland) (19:29): I would like to speak against this amendment. With the greatest of respect to my colleague Senator O'Neill, we have different views on this subject. This amendment would change the definition of 'gene technology' to include mitochondrial donation. This would, in practice, require the Office of the Gene Technology Regulator to become involved in the regulation of mitochondrial donation. In my view, this is an unnecessary additional step. It would duplicate and confuse matters, given the expertise and responsibilities that already sit with the NHMRC Embryo Research Licensing Committee.

For those who are unaware, the NHMRC Embryo Research Licensing Committee was established in 2002 and is responsible for overseeing the Research Involving Human Embryos Act 2002 and the Prohibition of Human Cloning for Reproduction Act 2002. These are the two laws which Maeve's Law seeks to amend. As such, the committee: considers application for licences to conduct research involving human embryos; issues those licences or chooses not to issue those licences; monitors activities covered by those licences; and carries out other related activities, such as reporting to parliament and maintaining information. Membership of this committee comprises individuals with expertise in research ethics, assisted reproductive technology, law, embryology and the regulation of assisted reproductive technology. Given both the responsibility of this principal committee for the relevant legislation and its expertise in the relevant law and scientific fields, in my view, it is the most appropriate and qualified group within Australia to oversee the licensing regime outlined within Maeve's Law.

As I say, I understand where Senator O'Neill is coming from on this, but, in my view, the existing committee that operates under the NHMRC umbrella is the appropriate body to do this work. It already does this type of work. There's no need to add a further regulatory body to this system.

Senator STEELE-JOHN (Western Australia) (19:32): In talking to this amendment moved by Senator O'Neill before the chamber, I want to make something clear. I am the spokesperson for the Greens in the health space and I will be making contributions on this legislation, but, as a party, we too have decided on a conscience vote. So the contributions that I make in relation to this amendment are reflective of my personal position and won't necessarily reflect the views of my colleagues, and my vote won't necessarily be in the same direction, as it is a conscience vote.

I will come to the amendment directly in a moment, but I just want to offer a couple of really quite authentic observations in relation to the conscience debate that we have been having on this legislation to this point. First of all, last night we had a couple of contributions, some which were directly referencing so-called traditional ways of coming into the world, traditional forms of reproduction. Other contributions alluded to there being a traditional way in which a human being comes into the world. As a disabled person, I feel an obligation to draw the chamber's attention to the fact that my sitting here today, alive and an MP for WA, is a testament to the reality that the definition of what it is to be a traditional human being and to live evolves over time. Had I been born a couple of hundred years ago, I would have been left to the wolves. Had I been born 50 years ago, and less in some places, it would have been the traditional course of life for me to be institutionalised and never see the light of day.

What are the traditional ways of going about life and the traditional supports that we provide to people? These are definitions that evolve over time, not only in that social space and that historical context but medically.

I, like so many other people in the world, am the product of a caesarean birth procedure. There was a time when such a procedure did not exist, and the traditional way of medicine—the traditional way forward—would have been for me and my mum to have died. Luckily, over the course of time and with the advancement of science, we have improved medical practices, and those improved medical practices enable us to offer better life chances to babies, kids and parents to live good, happy, healthy lives. There is no such thing as a fixed point in time whereby the traditional state of things can be defined.

On the amendment specifically, it is my view that this would have the effect of blurring the lines in relation to the regulation and oversight of this procedure and slowing down the trial and implementation stage. One of the challenges we have here is that this could well create confusion as to the responsible regulatory body. In my view, requiring the Gene Technology Regulator to become involved in the regulation of mitochondrial donation could well have a duplicative effect. That's before you even lift the lid, go beneath and ask yourself where the expertise

lies. Currently, within the NHMRC, we have the Embryo Research Licensing Committee, which, it is proposed, will have regulatory oversight of this process. With the change proposed by the amendment, the Gene Technology Regulator would also have oversight and regulatory responsibility—hence, potentially, the confusion that I talked about before.

But I also think we have another question to consider with the amendment, and that is simply that the regulator is currently responsible for—and I'll quote directly—'agriculture and genetically modified material'. I would never want to see a baby born due to these procedures being, at any point in their existence, identified or designated, by a government regulator or any other body, as 'genetically modified material'. That's not appropriate, and it is totally unnecessary given the fact that within the NHMRC's IVF division there is a team of folks who have been doing work on facilitated reproductive procedures since the early 2000s. This is a team of the nation's experts, who are more than capable, in my view, of carrying out this oversight role as proposed in the legislation before the chamber today. For those reasons, I personally will not be supporting the amendment.

Senator PRATT (Western Australia) (19:38): I want to endorse the comments of Senator Jordon Steele-John. These regulations need to be separate. We have regulation for reproductive technology, and we have regulation for genetically modified material, which people are not.

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (19:39): I do think there is a need for an arms-length regulator for techniques that are very novel and revolutionary. I would posit that even those who are passionately in favour of this bill understand how revolutionary the techniques we are talking about are. The techniques involve transferring, for the first time, genetic material between two human cells for the purposes of reproduction.

This is at the cutting edge, in the world, of these techniques. We have heard through this debate that the United Kingdom is the only country that has legalised this approach to date, and to date there has not been a successful live birth emerging from mitochondrial donation in that country. So it is something that we should ensure has a significant level of oversight and regulation. I know that some have raised the point that the Office of the Gene Technology Regulator may not be the appropriate body to regulate human gene therapy. Indeed, there was a review of the National Gene Technology Scheme in 2018, which did conclude that the definition of GMO in that act be amended to exclude a human being from the definition. That's consistent with those who have argued against this amendment. However, that amendment has not been made. That recommendation has not been acted on. What no-one else has put forward in this debate at this stage is that that review also said:

The Review notes that this amendment may result in the need for another existing, or new, regulatory body to expand its scope of regulatory activity, to ensure that appropriate regulatory oversight is provided in this area.

The National Health and Medical Research Council is a great body and a fantastic institution in this country. It is not a regulator. It is a provider of health advice and research to governments and other organisations. It is not an arms-length regulator of an activity. I say that without casting any aspersions on the people who work in the NHMRC or the persons that would be part of the Embryo Research Licensing Committee that this bill would form. I'm sure they are all very good people, but they are people that are directly involved in the provision of these techniques and therefore cannot themselves sit at arm's length. That has been admitted to me in discussions where there has been the admission that many people on the ERLC will have conflicts of interest. They will be disclosed, I'm sure, in the appropriate manner, but just the mere fact of having those conflicts of interest means they will not be an arms-length regulator.

In my view, not proceeding with this amendment would be inconsistent with the recommendations of the recent review of the National Gene Technology Scheme. We do not yet have a separate regulator established. That has not been considered. The Gene Technology Act has not been amended in the way recommended by that review in 2018. So we are putting cart before the horse here in excluding regulation from the OGTR before a proper consideration of the recommendations of that review—unless we move this amendment.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (19:42): I'd like to associate myself with the remarks made by Senator O'Neill and Senator Canavan and indicate to the chamber that I will be supporting this amendment.

I am prompted to my feet in part by the comments, which I do respect, from Senator Steele-John because I do fear that those who are watching this debate may form a view that those of us who do not support the bill are somehow against medical progress or medical technology. We are not. In fact, I do agree with Senator Steele-John: research, technology, progress and things that save lives should occur. And Senator Steele-John makes a very valid observation about how his own personhood demonstrates the capacity of medical research and advanced understandings that people with a disability not only survive births that they wouldn't have decades ago or centuries ago but indeed are able to live lives fully participating in the community. I say to Senator Steele-John that two of

my three children would not have survived their births had it not been for caesareans and other medical interventions. I think we all have stories like that in this chamber. We all do.

One of my children didn't survive her birth. She died of a genetic condition for which there is no known cause or cure. Yet I can't support this bill because, in my mind, and on the basis of both ethical convictions and the paucity of the scientific evidence, I have serious concerns.

Just because we can do something, it doesn't mean we should do it.

The way I think about the need for regulation and oversight here is not dissimilar to how I think about regulation and oversight when it comes to extraordinary powers, for example, in the national security space. The view I bring to those legislative considerations is the more intrusive a power the more necessary that there be appropriate oversight. This is an incredibly intrusive power. Let's be clear about it: if it passes this parliament, it is an incredibly intrusive intervention in human existence.

We are not only going to intervene in one of the most personal situations of the human existence—that is, how children are conceived—but we are going to do it in a way that is novel, that is untested and that will alter mitochondrial DNA. We don't yet know what the outcome of that is on human beings; we simply don't. We have theories, but we don't know. Indeed, the Senate report—this very chamber's own report—said that that was a foundational question that needed to be answered, and it hasn't been answered. What we know is that the United Kingdom does not have data to provide. I believe they have issued six licences. I could stand corrected; it might be eight, but they've got six, and no baby has been born. We just don't have that data.

So, although I will be voting against this bill even if this amendment passes, I think it is important that, if this bill does pass this parliament, there is appropriate oversight. Senator Canavan is right: we have a bill involving such significant intervention into the human condition—the very nature of who we are as human beings—and we haven't identified the appropriate oversight body. To me, that is a fundamental flaw of the legislation. It may be right that the Office of the Gene Technology Regulator is not the most appropriate body, and, if this bill were to pass and the government wants to come back and find a different oversight model, I'd be open to that. But I think there must be something. The Office of the Gene Technology Regulator is in the Department of Health, and, in the absence of having any other body, I think it's appropriate that that is the body.

Again, I come back to the comments of Senator Canavan about not having a tension or a conflict of interest between the practitioners and the oversight bodies. That's a fundamental foundational principle when it comes to how we deal with national security legislation and intrusive powers.

I think it's incredibly important that this bill use appropriate oversight should it pass. This may not be the perfect solution, but it is better than what is currently in the legislation.

Senator PRATT (Western Australia) (19:48): It's important to clarify in the context of this debate that the review that was done recently into the Office of the Gene Technology Regulator specifically found that they are not an appropriate body to oversee gene technology in people. That review recommended that the act be clarified so that people are not regulated under that act, which is what this legislation before us today does.

When we look at the ongoing ramifications of the Research Involving Human Embryos Act and reproductive technology, it's not correct to say that there is no further regulation than via the NHMRC. The states have handed back much of their powers that relate to gene technology to the federal gene technology regulator, but in the case of reproductive technology, the states retain that power when reproductive technology is rolled out and when it's implemented.

The NHMRC is, in and of itself, already limited in how far it can go before it reaches the next stage of clinical trials or rollout because it can't get to a clinic in the state of Western Australia, for example, until the state government there also makes laws through its parliament. Then it has a whole new set of ethical considerations with hospitals and providers that, again, it will do through its own state regimes. I think it's really important to put that on the record.

Senator STEELE-JOHN (Western Australia) (19:50): I want to acknowledge Senator Keneally's contribution in the debate this evening. Thank you for sharing your lived experience and bringing that lived experience to the debate today. As somebody who does that a lot from a different perspective, I know it can be a really tough thing to do, and I'm sure the entire Senate will join me in extending to you our deepest empathy on that terrible loss.

I would like to read something into the record for the benefit of the chamber, because I think there's a very legitimate red flag that goes up in your mind when you hear about a new technology, a new procedure, taking place in a jurisdiction overseas that has not yet produced—as has been articulated by others in the debate—peer-reviewed research that we can reference here in the debate today. That's a legitimate red flag that would come up in people's minds. It's something that hit me when I first looked at this legislation. In fact—I'll be quite open with the chamber

tonight—when, as a newly minted health spokesperson, I had this legislation land on my desk, I had a bit of sickness come into my stomach. My initial view on looking at the legislation—just skimming it—was that there would be some inherent risks in the legislation before us, that we could be heading down a path without enough research and information.

Why did I have that concern? Again, I come back to both my personal experience as a disabled person and the community's broader experience. Our experience as disabled people, historically, is that if there is a socially acceptable or medically applicable way to delete us from the social fabric, to eradicate us, that is the path that is taken. I would hope that many in this place would know that notably—although not for the first or last time during the Second World War—one of the first acts of the Nazi regime was to implement something called the T4 program. The goal and principal purpose of the T4 program was the elimination of what the regime named 'useless mouths'. Vans would trawl through communities, collect disabled people and take them to a central institution where they would be euthanised and burned. They collected disabled people, people with social disabilities—so many that the town in which the primary furnace was based was blanketed in what the residents initially believed to be snow but which turned out to be human ash.

While this program is well known, though not as well known as it should be, what's less well known is that its inspiration was not drawn from some satanic death cult or the depths of deepest depravity but modelled on a framework which was used in the United States state of California, and which more or less stayed in place until the late sixties, whereby government sanctioned sterilisation of disabled women was state policy for the purpose of eliminating disabled people.

So if there were any community with a right to look at a piece of legislation like this suspiciously, it would be the disabled community, and I brought that critical lens to this debate. In doing that, I consulted with the Mito Foundation and many organisations advocating for the bill and with opponents of the bill. What I discovered, rather than a rushed and headlong attempt to introduce a vehicle by which disabled people might be deleted or somehow expunged from society, was in fact a pretty conservative bill.

It's a bill consisting of three stages, the first stage of which, as the Senate knows, is a 10-year trial. This means that over that 10 years—if we take it as being correct that about 56 kids are born per year with severe mitochondrial disease and that the average life expectancy can be as low as a couple of years and up to 12—if we pass this law today, hundreds of children will be born and will die of mitochondrial diseases before this treatment even becomes available in Australia. It's a very conservative framework. During that time there will be oversight by groups of people who I put to the Senate are some of the best experts in the country in relation to facilitated reproductive procedures.

This question of the validity or existence of the scientific output of the United Kingdom's trials has been part of the Australian discourse. One of the key medical professionals involved in the framework in the United Kingdom has written to me, and I will read their letter verbatim into the record for the benefit of the chamber:

Dear Senator

I congratulate the Australian Government in their efforts to bring forward legislation to allow mitochondrial donation to reduce the risk of disease in children born to women who carry pathogenic mtDNA variants.

I am the Clinical Lead for the licenced mitochondrial donation programme in the UK.

I understand that concerns have been raised in Australia regarding the lack of information available from the UK regarding babies born of mitochondrial donation since our legislation was passed in 2015. UK legislation and regulation has allowed for such treatment to take place in a programme that was to be cautiously introduced. As with all licenced fertility treatment in the UK, regulated by the Human Fertilisation and Embryology Authority confidentiality for patients and offspring is paramount. Our programme has progressed but with small numbers of suitable patients involved it is imperative that their privacy is guarded. We will publish programme data in due course.

This lack of clinical information should not be interpreted to imply concern about the technique but is to safeguard the privacy of infants and their families.

Yours faithfully

Dr Jane A Stewart MD FRCOG

Consultant in Reproductive Medicine

I also have here a letter from Mary Herbert PhD, from the same Newcastle facility centre, who goes into great detail about some of the challenges that have faced the UK program, not least the reality of COVID-19.

So when you question the scientists who have dedicated their lives to this, let us remember that we are in the middle of a global pandemic, where our lives more than ever before are in the hands of scientists, where the constant catchcry of most—though not all—of the members of this place is to follow the health advice. We have here clear

statements from leaders in their field speaking to the reasons for the absence of data which we can analyse to this point.

I put to the Senate today that not only will we have time, as the United Kingdom recovers from COVID, to gather the UK data but we will also have 10 years of our own data, if the trial is able to be conducted methodically and appropriately, which will be ensured as it will be overseen by the experts in this field at the NHMRC.

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (19:59): I want to very briefly respond to some of the further points that have been made. I think we should be very clear that, if this amendment is not passed, we will have less regulation on human gene therapy than we have on animal gene therapy and plant gene therapy. That is the reality. Animal gene therapy and plant gene therapy are regulated by the Office of the Gene Technology Regulator. It's a specific, arms-length regulator. It is a regulator, not an advisory body and not a research body. It is a regulator through and through—a statutorily independent one at that. It's appropriate for something as significant as gene therapy that we do have an independent regulator.

The review of the Gene Technology Regulator which has been referenced by a number of people says:
... stakeholders identified a potential gap in regulation pertaining to the modification of humans.

It is true that they conclude that the OGTR might not be the best body to regulate human gene therapy, but they're saying there's a gap today in human gene therapy. Of course, almost all human gene therapy research and clinical practices are prohibited in Australia—there are a few very limited research trials occurring—but they're saying there's a gap. This bill does nothing to fill that gap. This bill would instead make this gap a wide chasm, because we would remove the oversight of the OGTR—as undesignated for it as the OGTR perhaps is—and replace it with a subcommittee of the NHMRC, which is not a regulator body.

Indeed, if you go to the most recent statement of expectations the government has given the NHMRC, there is not a mention of the words 'regulation' or 'regulatory' or of anything to do with regulation. That statement says: NHMRC is the Australian Government's key entity for managing investment in, and the integrity of, health and medical research. It is not a regulator. If we do not pass this amendment, we will effectively have self-regulation of human gene therapy. It is not appropriate that we have lower regulatory oversight for human gene therapy than we would for animal and plant gene therapy.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (20:02): At the outset, I want to acknowledge that, in debates like these on these free and conscience votes that occur, we sometimes see the best of contributions across our chamber—contributions that draw on the personal. I acknowledge Senator Steele-John's contribution and Senator Keneally's contribution. In the other place, I know, the member for Mayo spoke with great passion and emotion about the circumstances of her grandson with mitochondrial disease and the challenges that her family was facing in relation to his diagnosis.

I think it's important that we also acknowledge the different perspectives that senators come from. Whilst the standing orders always provide that we shouldn't reflect upon the motivations of any other senator, especially in a debate like this, I think it's crucial that we respect those different perspectives, informed by those different life experiences, by those different values and by the many different factors that each senator will bring to this debate—regardless of the political position or, ultimately, the votes that will be cast on a debate—as each grapples with what is a very sensitive technology with ethical considerations that need to be approached carefully.

With all that said, I support the words of Senator Watt in relation to the explanation he provided. I do not support the amendment before the chamber and would discourage senators from supporting the amendment. The Embryo Research Licensing Committee of the National Health and Medical Research Council would be responsible, under this bill, for regulating mitochondrial donation in humans. An expert regulatory approach will be applied. It is a body well equipped to undertake that role, in terms of its expertise. It has been in place under the Prohibition of Human Cloning for Reproduction Act since 2002.

If this amendment were to succeed, we would see a duplicative arrangement and an overlap of regulatory functions, as well as of acts, potentially. That is the clear view that I present, and I urge senators to consider that the consultation has led to an approach that provides for clear oversight and that will entail strong safeguards. We do not need to be imposing other layers that, as other contributors to this debate have acknowledged, may not even be through an appropriate entity in these circumstances.

The TEMPORARY CHAIR (Senator O'Sullivan): I put the question that amendment (1) be agreed to.

A division having been called and the bells having been rung—

The CHAIR: I just explain to the Senate that is my intention, because this is a conscience vote, to use the people who are sitting in the whips' chairs. If there's no-one sitting in the whips' chairs, I will seek guidance from the mover

of the motion. We are dealing with amendments on sheet 1542, moved by Senator O'Neill. The first question is that amendment (1) be agreed to.

The committee divided. [20:09]

(The Chair—Senator Lines)

Ayes.....29
 Noes.....32
 Majority.....3

AYES

Abetz, E.	Antic, A.	Askew, W.
Bragg, A. J.	Brockman, W. E.	Canavan, M. J.
Chandler, C.	Chisholm, A.	Cicccone, R.
Davey, P. M. (Teller)	Duniam, J. R.	Farrell, D. E.
Fawcett, D. J.	Fierravanti-Wells, C. A.	Keneally, K. K.
Kitching, K. J. E.	McDonald, S. E.	McGrath, J.
McKenzie, B.	McLachlan, A. L.	McMahon, S. J.
Mirabella, G.	O'Neill, D. M.	O'Sullivan, M. A.
Rennick, G.	Roberts, M. I.	Seselja, Z. M.
Smith, D. A.	Stoker, A. J.	

NOES

Ayres, T.	Bilyk, C. L.	Birmingham, S. J.
Brown, C. L.	Carr, K. J.	Colbeck, R. M.
Cox, D.	Dodson, P.	Faruqi, M.
Gallagher, K. R.	Griff, S.	Grogan, K.
Hanson-Young, S. C.	Henderson, S. M.	Hughes, H. A.
Lines, S.	McAllister, J. R.	McCarthy, M. (Teller)
McKim, N. J.	Molan, A. J.	Patrick, R. L.
Pratt, L. C.	Rice, J. E.	Sheldon, A. V.
Smith, M. F.	Steele-John, J. A.	Thorpe, L. A.
Urquhart, A. E.	Walsh, J. C.	Waters, L. J.
Watt, M. P.	Whish-Wilson, P. S.	

Question negatived.

The CHAIR (20:12): The next question is that section 47, in item 103 of schedule 1, stand as printed.

A division having been called and the bells being rung—

Senator Seselja: Madam Chair, I don't think one-minute bells are appropriate. I am told there were some senators who were hoping to get down here for this vote who weren't at the last one. I request that there be four-minute bells.

The CHAIR: I advise the Senate that I did seek the guidance of the whips, and they informed me it would be one-minute bells. If it's the wish of the Senate, we will ring them for four minutes. Is that the wish of the Senate? It is. The question is that section 47 in item 103 of schedule 1 stand as printed.

The committee divided. [20:19]

(The Chair—Senator Lines)

Ayes.....34
 Noes.....29
 Majority.....5

AYES

Ayres, T.	Bilyk, C. L.	Birmingham, S. J.
Bragg, A. J.	Brown, C. L.	Carr, K. J.
Colbeck, R. M.	Cox, D.	Dodson, P.
Faruqi, M.	Gallagher, K. R.	Griff, S.
Grogan, K.	Hanson-Young, S. C.	Henderson, S. M.
Hughes, H. A.	Lambie, J.	Lines, S.

McAllister, J. R.
 Molan, A. J.
 Rice, J. E.
 Steele-John, J. A.
 Walsh, J. C.
 Whish-Wilson, P. S.

McCarthy, M. (Teller)
 Patrick, R. L.
 Sheldon, A. V.
 Thorpe, L. A.
 Waters, L. J.

McKim, N. J.
 Pratt, L. C.
 Smith, M. F.
 Urquhart, A. E.
 Watt, M. P.

NOES

Abetz, E.
 Brockman, W. E.
 Chandler, C.
 Davey, P. M. (Teller)
 Fawcett, D. J.
 Kitching, K. J. E.
 McKenzie, B.
 Mirabella, G.
 Rennick, G.
 Smith, D. A.

Antic, A.
 Canavan, M. J.
 Chisholm, A.
 Duniam, J. R.
 Fierravanti-Wells, C. A.
 McDonald, S. E.
 McLachlan, A. L.
 O'Neill, D. M.
 Roberts, M. I.
 Stoker, A. J.

Askew, W.
 Cash, M. C.
 Ciccone, R.
 Farrell, D. E.
 Keneally, K. K.
 McGrath, J.
 McMahan, S. J.
 O'Sullivan, M. A.
 Seselja, Z. M.

Question agreed to.

The CHAIR (20:21): I'm assuming, Senator Canavan, that you don't wish to proceed with sheet 1543? Thank you.

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (20:21): The Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021, as senators would realise, establishes five different types of licences. It effectively establishes two stages to introduce mitochondrial donation into our laws. As has been described, this will be a new and revolutionary form of human gene therapy that is prohibited under our laws today. Because of that, the bill seeks to establish some trial and research licences in the first stage. There are three of those that are particularly specified in this bill. Then, following the research and trials, the bill outlines two additional licences—a clinical research licence and a clinical practice licence—that would then be allowed for to provide for widespread adoption of mitochondrial services to the broader population, outside of research and trials.

I am a little concerned here that the approach adopted in this bill continues some of the deficiencies we have seen emerge in the Senate on the use and overuse of delegated legislation. This bill establishes a regulatory framework for mitochondrial donation. However, at the conclusion of the research and trial phase—the so-called stage 1 in this approach—there are no specific conditions to be placed on the licences that will apply to clinical practice trials.

Senator Steele-John: Point of order, Mr Temporary Chair.

The TEMPORARY CHAIR (Senator O'Sullivan): Yes, Senator Steele-John?

Senator Steele-John: Mr Temporary Chair, I draw your attention to Senator Antic, who is moving about the chamber without a mask. I would ask that you request that he wear one in line with the rules.

The TEMPORARY CHAIR: Senators are aware of the rules, and I would remind them of that.

Senator CANAVAN: As I was saying, in this so-called stage 2 of the bill, moving to clinical practice trials, the conditions that would apply to those licences are not set or outlined in this bill because, of course, we haven't done the research and the trials, so, understandably, the government cannot at this stage outline in detail those particular regulations. For example, the explanatory memorandum to this bill says:

... organisations will not be able to apply to the ERLC—

the Embryo Research Licensing Committee—

for either of the two clinical practice related licences until a particular technique is specified in the Regulations for this purpose.

The explanatory memorandum goes on to say:

... Stage 2 would commence only after mitochondrial donation techniques suitable for use in clinical practice have been prescribed in the Research Involving Human Embryo Regulations 2017.

Keep in mind what we are doing if we do not amend this approach. We will continue the trends we have seen whereby the parliament delegates enormous power to the executive, and to ministers within that executive, to effectively make laws in the future that are not subject to the full oversight and scrutiny of this parliament.

I want to recognise the fantastic work that Senator Fierravanti-Wells, Senator Carr and others on the Senate Standing Committee for the Scrutiny of Delegated Legislation have done in this space. They have produced two groundbreaking reports—reports that I'm sure will stay on the shelves of many in this place for decades—about the overuse and risks of delegated legislation. Indeed, Senator Concetta Fierravanti-Wells, in tabling the final report in this place last year, commented that:

In theory, delegated legislation should only deal with purely technical or administrative matters, but this is no longer the case. In practice delegated legislation now often deals with matters of policy significance. An already unsatisfactory situation is becoming intolerable.

I couldn't agree with those words more—that, as senators in this place, we should be the house of review, we should be holding up standards that hold the executive to account on matters of policy significance. And this is clearly a matter of significance in terms of setting the conditions that would apply to a unique, novel and revolutionary form of human gene therapy. And, in that comment, Senator Fierravanti-Wells succinctly summed up that delegated legislation should be there for technical administrative matters—stuff that is urgent and cannot necessarily go through a full parliamentary process. The bill and explanatory memorandum said that the stage 1 process will take 10-plus years. So the delegated legislation that we would be approving without the bill being amended would not necessarily be exercised for another three federal elections. A completely different Senate would be here, and they would have no direct parliamentary oversight, apart from the disallowance process, to deal with the new regulations that may be set at that point.

Another good point that was made by Senator Fierravanti-Wells's committee is that we should have sunset clauses on delegated legislation. If we approve this bill, there will be more sunlight to the executive than would exist in Nordic countries in summer. It will be 10 years before they even consider it! We don't know what developments there will be in human gene therapy. We don't know what will happen in the UK and other countries. We will give a blank cheque to an executive in 10-plus years to write their own regulations then. I admit that we can disallow them, but we all know that's inadequate. It doesn't go through the committee process properly, it doesn't have to go through both houses, there are very rarely any public hearings associated with a disallowance, and it's an up-and-down vote. We can't have this process. There is no Committee of the Whole in a disallowance process. We can't amend the regulation. We have our hands tied somewhat when it comes to dealing with delegated legislation, even in a disallowable sense.

In the amendments that I will be moving tonight, I will propose that we should seek to remove the stage 2 licences from this bill. These amendments would not stop mitochondrial donation research and trials from continuing. As I've outlined, they've got 10 years of those to go—at least. These amendments would not stop that from occurring and the progression of this technology happening. All that agreeing to this amendment would mean is that, at the conclusion of those trials and research, the government of that day, or members and senators at that time, would put forward additional legislation which would then govern the regulatory framework for clinical practice trials.

In my view, these amendments become even more important given the fact that we did not agree to the regulatory oversight of the Office of the Gene Technology Regulator. I accept the decision of the Senate that has occurred here—that we will have scrutiny through the National Health and Medical Research Council. That body, as I've outlined, is not a regulatory body. There are at least some question marks here about gaps in the regulatory process. Surely, before we proceed with clinical practice trials, we should ensure that a full parliamentary process occurs. If these gaps remain—the gaps that I perceive, and plenty of other senators perceive; it was a very tight vote—then we could seek to look at how we fix those and fill those gaps at that point.

These are commonsense amendments that I would encourage all senators to adopt. They do not stop, slow down or in any way prevent the progression of mitochondrial donation technologies. They simply make sure that the scrutiny of this parliament and its integrity is maintained and we do not continue the trend of the executive of this country taking more and more power and authority from the parliament, where it should reside.

I seek leave to move amendments (1) to (11) and (13) to (55) on sheet 1519 together.

Leave granted.

Senator CANAVAN: I move amendments (1) to (11) and (13) to (55) on sheet 1519:

(1) Schedule 1, item 1, page 3 (line 13), omit ";", substitute ".".

(2) Schedule 1, item 1, page 3 (lines 14 and 15), omit paragraphs (d) and (e) of the definition of *mitochondrial donation licence* in subsection 8(1).

- (3) Schedule 1, item 10, page 5 (lines 10 to 13), omit the definitions of *clinical practice licence* and *clinical practice research and training licence* in section 8.
- (4) Schedule 1, item 10, page 5 (line 23), omit "; or", substitute ".".
- (5) Schedule 1, item 10, page 5 (lines 24 and 25), omit paragraphs (d) and (e) of the definition of *mitochondrial donation licence* in section 8.
- (6) Schedule 1, item 10, page 6 (lines 14 to 22), omit the definition of *patient* (including the note) in section 8.
- (7) Schedule 1, item 14, page 7 (lines 31 to 33), omit ", a clinical trial research and training licence or a clinical practice research and training licence", substitute "or a clinical trial research and training licence".
- (8) Schedule 1, item 17, page 8 (line 24), omit "5 kinds", substitute "3 kinds".
- (9) Schedule 1, item 17, page 8 (line 30), omit ";", substitute ".".
- (10) Schedule 1, item 17, page 9 (lines 1 to 3), omit paragraphs 28A(d) and (e).
- (11) Schedule 1, item 17, page 9 (lines 12 to 16), omit subsection 28B(3).
- (13) Schedule 1, item 17, page 16 (line 25), omit "; or", substitute ".".
- (14) Schedule 1, item 17, page 16 (lines 26 to 31), omit paragraphs 28H(1)(d) and (e).
- (15) Schedule 1, item 17, page 17 (lines 6 to 9), omit subsection 28H(4).
- (16) Schedule 1, item 17, page 19 (line 13), omit ", or a clinical practice licence,".
- (17) Schedule 1, item 17, page 19 (lines 16 and 17), omit "or in clinical practice (as the case requires)".
- (18) Schedule 1, item 17, page 19 (lines 31 and 32), omit "or clinical practice (as the case requires)".
- (19) Schedule 1, item 17, page 20 (line 7), omit "or patients (as the case requires)".
- (20) Schedule 1, item 17, page 21 (line 10), omit ", 28E(2), 28F(2) or 28G(2)", substitute "or 28E(2)".
- (21) Schedule 1, item 17, page 25 (lines 3 and 4), omit "**and clinical practice licences**".
- (22) Schedule 1, item 17, page 25 (line 6), omit "or clinical practice licence".
- (23) Schedule 1, item 17, page 25 (lines 9 and 10), omit "or patient (as the case requires)".
- (24) Schedule 1, item 17, page 25 (lines 18 and 19), omit "or a clinical practice licence".
- (25) Schedule 1, item 17, page 25 (line 24), omit "or patient (as the case requires)".
- (26) Schedule 1, item 17, page 26 (line 34), omit "or patient".
- (27) Schedule 1, item 17, page 26 (line 36), omit "or patient".
- (28) Schedule 1, item 17, page 27 (lines 16 and 17), omit "**and clinical practice licences**".
- (29) Schedule 1, item 17, page 27 (line 18), omit "or a clinical practice licence".
- (30) Schedule 1, item 17, page 28 (line 3), omit "**and clinical practice licences**".
- (31) Schedule 1, item 17, page 28 (line 5), omit "or a clinical practice licence".
- (32) Schedule 1, item 17, page 28 (lines 26 and 27), omit "or a clinical practice licence".
- (33) Schedule 1, item 17, page 29 (lines 1 and 2), omit "or a clinical practice licence".
- (34) Schedule 1, item 17, page 29 (lines 5 and 6), omit "or a clinical practice licence".
- (35) Schedule 1, item 17, page 29 (lines 21 and 22), omit "or a clinical practice licence".
- (36) Schedule 1, item 17, page 29 (line 25), omit "or patient".
- (37) Schedule 1, item 17, page 29 (line 26), omit "or patient".
- (38) Schedule 1, item 17, page 29 (lines 27 and 28), omit "or a clinical practice licence".
- (39) Schedule 1, item 17, page 29 (lines 35 and 36), omit "or a clinical practice licence".
- (40) Schedule 1, item 17, page 30 (line 20), omit "**and clinical practice licences**".
- (41) Schedule 1, item 17, page 31 (lines 3 to 11), omit subsection 28S(2).
- (42) Schedule 1, item 17, page 31 (lines 12 and 13), omit "or a clinical practice licence".
- (43) Schedule 1, item 17, page 31 (lines 14 and 15), omit ", a child referred to in paragraph (1)(b) or a patient referred to in paragraph (2)(a)", substitute "or a child referred to in paragraph (1)(b)".
- (44) Schedule 1, item 17, page 31 (lines 26 and 27), omit "or a clinical practice licence".
- (45) Schedule 1, item 17, page 31 (line 30), omit "or patient".
- (46) Schedule 1, item 17, page 31 (line 31), omit "or patient".
- (47) Schedule 1, item 17, page 32 (line 7), omit "or patient,".
- (48) Schedule 1, item 17, page 32 (lines 17 to 19), omit "for a mitochondrial donation licence other than a clinical practice research and training licence or a clinical practice licence—".
- (49) Schedule 1, item 20, page 40 (line 1), omit "or a patient".

(50) Schedule 1, item 20, page 40 (line 3), omit "or patient".

(51) Schedule 1, item 51, page 46 (lines 23 to 25), omit ", a clinical trial research and training licence or a clinical practice research and training licence", substitute "or a clinical trial research and training licence".

(52) Schedule 1, item 55A, page 47 (line 20), omit "or a clinical practice licence".

(53) Schedule 1, item 94, page 53 (line 5), omit "or a patient".

(54) Schedule 1, item 94, page 53 (line 7), omit "or patient".

(55) Schedule 1, item 100, page 53 (line 22), omit "or patient".

I also oppose schedule 1 in the following terms:

(12) Schedule 1, item 17, page 13 (line 22) to page 16 (line 12), sections 28F and 28G **to be opposed**.

Senator WATT (Queensland) (20:31): I am opposing these amendments. In my view, the problem with these amendments is that they will delay the clinical application of mitochondrial donation. I have spoken, and many others have spoken, in favour of the clinical application of it in the highly regulated framework that has been put forward. If this amendment were to succeed, it would result in mitochondrial donation remaining in the clinical trial phase. A clear path has been set out from stage 1, the research stage, to stage 2, the clinical practice stage, in the legislation. I would encourage those who voted for the legislation to vote against these amendments so that we can see the clinical application of mitochondrial donation in addition to research.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (20:32): I rise in support of Senator Canavan's amendments. I do so for many of the reasons that he outlined, but my plea here tonight is for those senators who are voting for the bill to consider voting for these amendments. These amendments are commonsense ones that ensure the primacy of the parliament. There is actually—and I think some of the people who are voting for this bill have acknowledged this—a slight leap of faith we are taking here, given the paucity of evidence out of the United Kingdom. Senator Steele-John, you said there is an understandable red flag for some members and senators. While I respect the position you've put, that is a red flag. For those members who are supporting this legislation, it is worth considering these amendments. Ask yourself this question: given how little we know, based on the scientific evidence and research that is available to us now, about this novel and untested technique, why are we willing to sign away the parliament's ability to revisit and to examine the results of something we won't have for 10 years time?

I actually struggle to think of another example where a parliament would agree to simply give away its decision-making authority and its primacy to an executive on such a vexed and significant question. For example, with national security laws we regularly ask for them to be sunsetted and we regularly ask for them to be revisited by the parliament.

We regularly ask that they be reviewed in order to ensure that those extraordinary or interventionist powers are being used appropriately. Here, it's not about whether the powers are being used; it's about whether the evidence should prompt us to think anew about the technology we're authorising.

So even if you do agree with Senator Watt—and I respect his point of view—that you would like to see the clinical application of mitochondrial donation, it is still worth considering whether, on principle, as a parliament, we should be giving away that decision for something that the bill says could happen in 10 years time, without having the parliament examine the evidence and the data that will come from those trials.

I have been clear with the chamber about the fact that I don't support the legislation, but I do repeat my view, as I did with the last amendment, that this amendment improves the bill. And, if it is the will of the chamber that the bill is passed, I would like to see the bill improved.

I think Senator Canavan has highlighted one of the areas of the bill where, no matter what your opinion is on the final outcome, you can see the benefit to the parliament and members—some of whom might still be here in 10 years time and some not. That is, we should allow the parliament to make that decision, and not have it delegated by authority to the executive.

Senator PRATT (Western Australia) (20:36): There are checks and balances in this bill, including parliamentary scrutiny. It is a disallowable instrument in terms of the regulations that are issued by the NHMRC, which would take us from stage 1 to stage 2.

What I think is also incredibly important to recognise is that, in order to put this out into clinical practice in the states and the clinics, state parliaments would also be required to amend their laws. We don't need this extra layer of regulation. We have plenty of opportunity as a parliament to monitor what the NHMRC does in its regulation and to disallow that instrument or inquire into that instrument, if we like, through a parliamentary committee process in order to engage on those issues. It is simply unnecessary to require this parliament to come back and re-legislate all of these provisions.

This amendment removes the clinical practice stage in all of these schedules; it is unnecessary. We will have an opportunity to disallow future regulations if it is considered ethical to do so. But I think the chamber needs to understand that state parliaments will also be legislating on this matter before it goes to the clinical practice stage.

Senator O'NEILL (New South Wales) (20:38): I don't know about other people in this chamber but I find that so much goes on you've got to try and remember what you did even a couple of days ago. What we're talking about here is a period of 10 years ago. I could ask people in this space to think back 10 years. Where were you? What was the technology like around you? What was going on?

The legislation being made in this instance is about a type of technology that is very novel. It's a type of technology, I do want to repeat, that the committee that inquired into this bill sought to find information about. It couldn't get that information because, even though a trial has been in operation in the UK for five years, data and information to inform our practice is impossible. So after half of that period of 10 years that this bill seeks to push out to, a period of five years, the UK has still been unable to give us anything to work with or to fashion our ideas around.

Senator Keneally has made the point that there are people who are going to vote for this bill. It's pretty clear from what I have said, and my stance on other issues, that I am going to be voting against the passage of this bill.

But I endorse the comments of my colleagues Senator Canavan and Senator Keneally. The role of the Senate is to provide a degree of oversight and care in considering the legislation that is advanced to us from the House. In this instance, with technology that is so potentially significant—and possibly positive—but unknowable at the moment because of a lack of transparency, we should be more mindful about what we do than those in the UK were. I think the time line that is set here is just too far. So I urge senators to give it serious consideration and support the amendment that is before Senator Canavan. It doesn't prevent the legislation going through; it is not at odds with the legislation—even for those who are voting for it—but it is an issue of care and concern for good parliamentary practice. If senators of this country aren't up for the task of looking to good parliamentary practice then I don't know who's going to do the work for us. We're here, we're on the front line and we should support this amendment in the interests of Australians.

Senator CANAVAN (Queensland—Deputy Leader of the Nationals in the Senate) (20:41): I want to quickly make a point in response to a point that was made. A point was made that somehow, in the future, we could relegislate or relitigate if there are issues and errors. That is theoretically true, of course. That can be done. But in practice it's not going to deal with the problem that this amendment highlights. We in this place all know that to get a bill through both houses of parliament the bill, effectively, has to be a government bill. It's almost an impossibility for a private senator or even a group of senators or a group in the other place to start a private bill and have it proceed through both houses, be signed by the Governor-General and become law. That doesn't happen. It doesn't happen because the government control the numbers in the House, almost invariably, and, of course, they largely control the time and procedure here in this place.

The problem that this amendment seeks to deal is the fact that, by passing an unamended bill, in 10-plus years time we will be giving the government an almost untrammelled ability, with very little scrutiny, to make the regulations as they see fit. The alternative is to say, 'Oh well, there could be some legislation that deals with that.' That legislation would have to come from the government to pass through. So in both cases, through either regulation or legislation, it is controlled by the government. That's the way this parliament works, in practice.

So I repeat my points here. We have had extensive discussions about the unfortunate trend of more and more delegated legislation being housed in the executive and less and less scrutiny occurring from this place. We have an opportunity here tonight to stand against that trend—to push back against that trend—and I think it's one we should take.

Senator STEELE-JOHN (Western Australia) (20:43): Just briefly, I'll be stating my opposition to the amendment offered by Senator Canavan. The effect of this amendment, in my view, would practically result in mitochondrial donation remaining in its clinical phase either in perpetuity or for longer than is needed.

I think what is potentially in danger of being lost in this debate is the reality, as I said at the beginning of our debate on this issue tonight, that every single year 56 kids are born with severe mitochondrial disease. Nothing in this bill—not a single part of it—is a cure for those 56 kids that are born every year. Those families—those parents—will still have to live with the unutterable pain of watching someone they love more than anything in the world slip away, knowing there is nothing that they can do.

The Mito Foundation's support of this proposal, and the advocacy that the community has displayed, isn't in the hope of legislating a cure for those who they love and know they will lose. It is an attempt to prevent such pain and suffering from visiting itself upon anyone else.

The legislation before us today—and I'll say it again—is a very conservative piece of legislation. Ten years is a long time. For 10 years, kids will be born and they will pass away and families will be torn asunder. What we have before us tonight is a question of whether at the end of that 10-year period there is a potential for a treatment widely available to the public that would prevent such tragedy from visiting itself upon any other families in this nation. This is a well-thought-out three-step process—a clinical and scientific process. I remind the chamber that we sit here in a global pandemic, and we owe our lives and our health to science and to the idea that we will put our faith in public health professionals and we will put our faith in scientists.

If at any time it comes to the attention of the Senate that information has been put into the public arena that would see us want to halt one of these stages, then disallowable instruments are open to us. I find it ironic that some contributing to this debate who have utilised the disallowable instrument effectively are speaking now to its ineffectiveness. If they would like it to be a more effective instrument, may I suggest that they live up the idea of voting for the disallowance of regulated instruments among their party room colleagues. If more people voted to disallow instruments more often, it'd happen more often. That's the solution if you think that's a problem. Members of the government and members of the Senate could sit down with Senator Fierravanti-Wells and the Scrutiny of Delegated Legislation Committee. I've got many good ideas about how to improve the oversight powers of this Senate. How I would love to see this place play its role as the house of review rather than the subservient rubber stamp of the executive! I would absolutely love it. You bring a bill tomorrow that solves some of those problems and come back to the next sitting with that attitude, and I'll meet you there. But let's not confuse that with what is before us today. What is before us today is an opportunity to say that, for the next generation of parents, there may be a solution on the table that will prevent their suffering.

There have been a lot of conversations in here about unknowns—scientific and ethical unknowns. It's very interesting that we're talking about science and ethics and that it is playing such a part of this debate. It's good to see. I hope it heralds the return of a conversation about ethics and conscience and science in this place. We shall see when the debate concludes. But let us at this moment take this step forward. And, if we are concerned with questions of uncertainty, let us comfort ourselves with the knowledge that one thing at the moment is certain: 56 kids will lose their lives to mitochondrial disease every single year. Let us hold that as the statistical evidence it is, and let it compel us to act and to take the opportunity that is presented to us by this legislation to ensure that this suffering is not visited upon others. Let us not pretend that amendments put before this place, presented to us as improving the ability of the legislature to oversight this program, will have any effect other than the prolonging of the outcome of that much-needed research and the potential of that so hoped-for preventative measure.

So I will not be supporting this amendment offered by Senator Canavan, and I urge all of my Senate colleagues, as they take this vote tonight, not to allow themselves to become unmoored in a consideration of what might be. Keep yourselves focused, fellow senators, on the reality of what is.

Senator O'NEILL (New South Wales) (20:50): I have to confess that often in this chamber the tone of the debate is so much less than I might have hoped it would have been when I first came here, and I have to indicate that with the freedom-of-conscience vote I think something quite significant is happening in the chamber this evening. People are thinking. People are putting their view, and they are doing it with eloquence. As a former English teacher, I absolutely rise to the turn of phrase that I've—

The PRESIDENT: We are getting an echo there. I think you are right to continue, Senator.

Senator O'NEILL: I was attempting to make positive commentary about the contribution of Senator Steele-John when I was rudely interrupted by somebody from the House who obviously isn't up to the standard of debate in the red chamber! However, as a former English teacher with an Irish Catholic family background, the lift of the language of the lyrical appeals to me and I heard that in Senator Steele-John's contribution. But the fact is—and we should remember this when we are dealing with this piece of legislation and all the amendments that we are seeking to advance—that, if we actually rely on the scientific evidence that is available to us today, it is a blank sheet.

For five years this has been going on in the UK and, for whatever reason has been advanced—and I know that families in the UK would have had the same level of hope that Senator Steele-John has just put on the record today—hope is not a strategy and desire is not science. Our job is to be not just purveyors of hope but deliverers of solid legislation that provides sufficient protection to the Australian people. If senators take the time to read the report that was put together under the chairmanship of Senator Askew, who I have to say approached this whole issue with a very open mind, the recommendations that are being advanced here tonight as amendments will do good work, in my view, to improve the quality of what is undertaken in this country and to provide protection to Australian residents who, as Senator Steele John said, will be suffering already despair, sorrow and the loss of a sense of what their lives might have been like not too long after the birth of a child who was much longed for.

So I caution against being captured by a discourse of hope and call on you to be hard-headed enough to deal with the facts and the scientific reality that, after five years, there are no reported live births in the UK. How many families have been taken on a journey of hope that has delivered nothing? We don't know. I hope there is hidden evidence. I hope there is hidden data. I hope that there are families to report on. But I can't make legislation on things I cannot see and a hope that is, I think, sadly displaced and misplaced.

Senator BIRMINGHAM (South Australia—Minister for Finance, Leader of the Government in the Senate and Vice-President of the Executive Council) (20:54): Very briefly, I want to reiterate some of the points Senators Watt and Steele-John have made, which is that this bill provides for a carefully staged approach. Within that staged approach, there are regulatory regimes put in place in terms of the type of licensing regime that would have to be applied by the NHMRC's Embryo Research Licensing Committee, and there are strong criminal penalties that apply to those sorts of licensing regimes to provide for an effective regulatory approach.

Stage 1 around this is focused on clinical trials. Should the evidence be there in terms of supporting the evaluation of those stage 1 clinical trials, it then moves to a stage of treatment. There would need to be regulations made, as you've heard, but, as is the case in so many fields, those regulations are disallowable; the parliament would not lose the opportunity to have a say. The parliament would absolutely have a say, as disallowance motions are moved on a regular basis—maybe not as regularly as Senator Steele-John would like, and, as a government minister, I wouldn't encourage too many more of them, but it is absolutely the right of every member of either chamber to move such disallowance. Then, of course, the power of such disallowance is it must be voted on. It must be debated, or else the disallowance is considered to have been carried. So that is a significant power that senators carry when that is the case.

As others have noted as well, there are further provisions which would enable states or territories to enact laws for authorising, providing yet further restrictions that could be applied. So I contend that these amendments of Senator Canavan's are unnecessary. I urge the Senate to oppose those amendments and respect the proposal that has been developed as part of the consultations undertaken.

Senator PRATT (Western Australia) (20:56): I think it's very important to note that current research licences under the NHMRC are reported on very regularly to this place and that is a very, very robust process. It is of great concern to me that we would be inserting new processes for oversight when it comes to embryo research that deviates from the robust processes we already have, because that is when mistakes and errors happen. There is no reason for this legislation to be amended so that embryos in this research area are treated any differently from the myriad IVF research that already takes place and is regulated under the NHMRC.

The CHAIR: The question is that amendments (1) to (11) and (13) to (55) on sheet 1519 be agreed to.

The committee divided. [21:02]

(The Chair—Senator Lines)

Ayes.....30
Noes.....32
Majority.....2

AYES

Abetz, E.	Antic, A.	Askew, W.
Brockman, W. E.	Canavan, M. J.	Cash, M. C.
Chandler, C.	Chisholm, A.	Cicccone, R.
Davey, P. M. (Teller)	Duniam, J. R.	Farrell, D. E.
Fawcett, D. J.	Fierravanti-Wells, C. A.	Keneally, K. K.
Kitching, K. J. E.	Lambie, J.	McDonald, S. E.
McGrath, J.	McKenzie, B.	McLachlan, A. L.
McMahon, S. J.	O'Neill, D. M.	O'Sullivan, M. A.
Rennick, G.	Roberts, M. I.	Seselja, Z. M.
Sheldon, A. V.	Smith, D. A.	Stoker, A. J.

NOES

Ayres, T.	Bilyk, C. L.	Birmingham, S. J.
Bragg, A. J.	Brown, C. L.	Carr, K. J.
Colbeck, R. M.	Cox, D.	Dodson, P.
Faruqi, M.	Gallagher, K. R.	Griff, S.

Grogan, K.
Hughes, H. A.
McCarthy, M. (Teller)
Patrick, R. L.
Smith, M. F.
Urquhart, A. E.
Watt, M. P.

Hanson-Young, S. C.
Lines, S.
McKim, N. J.
Pratt, L. C.
Steele-John, J. A.
Walsh, J. C.
Whish-Wilson, P. S.

Henderson, S. M.
McAllister, J. R.
Molan, A. J.
Rice, J. E.
Thorpe, L. A.
Waters, L. J.

Question negatived.

Progress reported.

ADJOURNMENT

The DEPUTY PRESIDENT: Pursuant to order, I propose the question:

That the Senate do now adjourn.

Queensland Government

Paradise Dam

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (21:04): I want to talk about the dustbin fire that is ethics and honesty in Queensland under the state Labor government there. We've got a state Labor government—hear this, everybody!—that sent goons from the Premier's office to raid the office of the Queensland Integrity Commissioner. In Queensland, in 2021-22, the Premier's office sent goons to raid the office of the Integrity Commissioner. They sent the Integrity Commissioner home, they went into her office and they got the laptop; there was a secret laptop in her office. And you know what they did to this laptop? They went and wiped it. They wiped the laptop. So we don't know what was on the laptop. It could have been photos of a prominent politician with a footballer. It could have been photos of a prominent ex-politician getting wads of cash in a car park. It could have been the conscience of Steven Miles! It could have been the taxpayer funded polling that Labor has used to run Queensland over the last 30 or so years.

These goons raided the Integrity Commissioner's office, got the laptop and then wiped it. This sounds like a page that has fallen out of a draft of a script for a Jason Bourne movie, and I wish it was. But it's not. This is public governance in Queensland in the 21st century, where we effectively have a one-party state where the dominant Labor Party have entrenched themselves in the bureaucracy and in the judiciary. And anyone who dares raise issues about the governance of that state is ostracised.

We've had the Integrity Commissioner chased out the door. The state archivist has been chased back to New Zealand, and the state archivist has become a whistleblower. And for this person's efforts they are effectively treated as a criminal, with the Premier, and the henchmen and henchwomen of her cabinet, continually attacking him and attacking what he is saying. And this is quite interesting: the state archivist has said that his annual reports, when he submitted them, were edited by the minister's office. These reports were put in, and he had raised concerns about issues to do with public governance, the public keeping of records, in Queensland. And the minister's office would get the Tipp-Ex out and black it out, or they would just redact what they didn't like and send it back. This isn't the beacon of a liberal democracy; this is something that you would see in some despotic South American regime where public servants who do not agree with the ruling dictator are sent off to camps. Well, welcome to Queensland, where goons raid the office of the Integrity Commissioner.

The other issue that I'm concerned about in Queensland comes down to what we need to do with our economy, and, in particular, how we ensure the resource sector and the agriculture sector are droughtproofed. That means the building of more dams. It is the building of Urannah. It is the building of Hells Gate. It is also the rebuilding, hopefully, of Paradise Dam. I have spoken about Paradise Dam in this place for every sitting fortnight. Paradise Dam is the worst infrastructure fail in the history of this country. Yesterday we saw the Premier of Queensland come out and say: 'Oh, whoops-a-daisy, we made a bit of a mistake here. We've built a billion-dollar dam but we didn't do it properly; we used clay and glue instead of cement. We've got to do something here. Oh, by the way, federal government, we need \$600 million.' Welcome to Queensland in the 21st century, where it is being run as a one-party state, where ethics have left the building, got in a taxi and gone over the border, and where we've got the greatest infrastructure fail in the history of Federation. Welcome to Queensland. I will be doing everything possible to ensure that we get Scott Morrison and Barnaby Joyce returned in the coming election and that David Crisafulli becomes Premier in three years time. (*Time expired*)

Donations to Political Parties

Senator COX (Western Australia) (21:09): Last week the Australian Electoral Commission published political donations data for the 2020-21 financial year, and guess how much the fossil fuel companies gave to the Liberal, National and Labor parties? More than \$1 million. There's no doubt that dirty donations from Woodside, Chevron and Mineral Resources are influencing WA's second-rate climate policy.

In 2020-21, Woodside donated \$232,000 to the Liberal, National and Labor parties. In return, they received a green light from the WA government to go ahead with the climate-wrecking Scarborough gas project. The Scarborough project will do irreversible damage to the Murujuga rock art and the Seven Sisters songline. It will also release 1.6 billion tonnes of carbon pollution into the atmosphere over the next 25 years.

Chevron donated a total of \$74,650 to the Liberal, National and Labor parties. Chevron's WA gas plants are responsible for releasing millions of tonnes of emissions into our atmosphere every single year. In fact, Chevron's Gorgon gas project, the world's biggest attempt at a carbon capture and storage project, has been a big, expensive failure that continues to leak huge amounts of pollution.

Mineral Resources, a lithium and iron ore company, donated a whopping total of \$222,400 to the major parties. It's no surprise that the Mineral Resources plan to develop the oil and gas basins in WA are out of line with limiting warming to 1.5 degrees.

At a time when we need urgent climate action we have government handing out blank cheques to big corporations and billionaires to enable these climate-wrecking projects. The WA gas industry is the largest emitter of greenhouse gases in my home state. If we add up the current and proposed gas projects, WA is on track to emit 41.6 million tonnes of CO₂ every single year. That is equivalent to nearly half of our total emissions each year.

So how did we get here? It's clear that the millions donated by the fossil fuel industry to the major parties every year has influenced their continued support for coal and gas. The WA government will tell you that major oil and gas projects like Scarborough will create jobs. What they won't tell you is that the oil and gas extraction industry employs less than one per cent of WA's workforce. In fact, the WA government, in seeking to create jobs for Western Australians, is better off supporting literally any other industry than the gas industry.

As long as there's big money in politics we will see fossil fuel companies setting climate policy in this country. But time's up. People can see the urgent climate action that is delayed because the Liberals and Labor take millions in donations from big coal and gas corporations and the billionaires who own them.

So what will the Greens do about it? For starters, we are the only party to plan a ban on all political donations from the coal, oil and gas industries. We will cap all other donations to \$1,000 per year and we will limit the amount that political parties can spend on their elections. We will stop the revolving door of ministers and advisers moving from politics directly to the fossil fuel industry. And we will establish a national integrity commission to hold all politicians accountable. The Greens have a model for a strong corruption watchdog that has already passed here in the Senate, spearheaded by my colleague Senator Waters.

Establishing a federal anticorruption commission in this term of government is a pledge that was made by this Prime Minister at the last election. The big parties have voted against our reforms because they don't want to bite the hand that feeds them. But, in a balance of power after the next election, the Greens will push the next government to reform election funding, clean up politics and achieve urgent action on climate change.

Great Barrier Reef

Senator McDONALD (Queensland) (21:14): I rise to congratulate the Prime Minister and Minister Ley, the environment minister, on the new announcement of \$1 billion in new reef funding. I guess it's not always an obvious link—me standing to talk about that kind of environmental policy—but I think it is terrific. As somebody who's based in Townsville, in the heartland of the Great Barrier Reef, I know only too well the passion our communities feel about the health of the reef and about reef fishing and reef tourism as a weekend and holiday activity. I am also pleased because this funding gives hope to North Queensland farmers. It is recognition of the terrific work that they have been doing to date, and it discredits the absolute rubbish that's been spread about farmers and their impact on the Great Barrier Reef.

The Senate inquiry on the Queensland reef regulations heard about the extraordinary lengths that cattle farmers and cane farmers have gone to to reduce their environmental impacts—whether it be planting trees, reducing fertiliser and chemical use, sharing knowledge and encouraging each other, or using the latest technology. We also heard about land based runoff, which affects just three per cent of the Great Barrier Reef, and we heard that AIMS doesn't consider farming to be the major threat to coral—in fact, it is water temperatures.

But try telling that to the Queensland Labor government. We have regulatory overreach, threats of huge fines, never-ending paperwork and no recognition for work already done. They are refusing to engage in on-farm

extension offices and ignoring all evidence that proves that their narrative and their increased regulation was just plain wrong. The 2021 Queensland government water quality report cards gave farmers an A-rating for reducing fertiliser use and increasing water quality. Why, then, does it continue to regulate them so harshly?

We then had the Katter party come out and say that the funding is demonising farmers because it's being used to address their run-off. Nothing could be further from the truth. I'm here to assure farmers: we will not be standing over you with a big stick. We know your livelihood depends on good land management—less erosion and less chemical use. It just so happens that helping farmers to achieve this has the added bonus of showing the world how much farmers care for their greatest natural asset.

A federally funded trial in North Queensland's Burdekin district, run by NQ Dry Tropics NRM, has resulted in a 2,000-tonne reduction in urea use, and a corresponding 1,200-tonne reduction in nitrogen entering reef waters, with no loss in productivity between 2017 and 2022. These are the sorts of programs that we will be sponsoring, because we believe farmers are the best managers of the land and because it is profitable farmers and prosperous communities that are the best environmental managers.

The best part of this announcement is that urban run-off will now also be studied. For a long time, sewage outflows have been suspected of offsetting farmers' nitrogen reduction efforts. This is a massive win. It will show farmers are not to blame for all nitrogen in reef waters.

Cane farmers and milling operations are growing. The prices are up. They're great employers. They have a crop that is terrific for carbon sequestration, and we are now discovering more and more alternative uses for cane fibre, which makes that crop more profitable again.

I had the pleasure of meeting with Pacific Biotechnologies and seeing their RegenAqua algal water treatment system. They've been treating prawn farm run-off and have been able to successfully trial the treatment of human sewage to turn that into farm fertiliser—the perfect circular economy, taking human waste and using it to increase farm productivity. I've met with them. They've drawn serious interest from the federal government. It could be a game changer for reef management not just here in Australia but around the world. Again, I congratulate this government. It is only a prosperous economy that can look after its environment.

Gender Equality

Senator MARIELLE SMITH (South Australia) (21:19): I rise this evening to acknowledge the tremendous, powerful speeches given by two remarkable Australian women at the National Press Club today. These are two women who not only have changed the national conversation but also, I believe, have changed and will continue to change the nation. Their bravery and courage—not just today but every day they have raised their voices and truth to power—have amplified and electrified a cultural movement for change that I believe will deliver an Australia that is safer and better, especially for women and children.

As a nation, I believe, we owe Grace Tame and Brittany Higgins so much. I hope everyone in this parliament has listened to their speeches today. There is so much to say and to reflect on in their speeches, but in the short time I have available to me this evening I want to reflect on one word which both Ms Higgins and Ms Tame used. That word is 'accountability'. Ms Higgins said, 'Without accountability, we are back to a world where we are describing the problem being seen as sufficient,' and Ms Tame said, with regard to the sexual abuse of children and others, 'There can be no progress without accountability.' It is time to deliver accountability, whether that's in implementing the recommendations of the Jenkins report or in doing the work required to be able to measure progress under the National Plan to Reduce Violence Against Women and their Children.

It is accountability that will be essential to deliver the change that is so desperately needed. I am not naive as to the challenges involved in that. To deliver accountability requires tough conversations and tough considerations. It requires us to reflect deeply and honestly, and it requires an earnest and unwavering commitment to change and to challenging conversations. It requires transparency. I believe there is much for all of us to learn from these two remarkable women—as individuals, yes, but more importantly as parliamentarians, legislators and community leaders. It's up to our generation within these walls, this chamber and this parliament to respond to their calls, to deliver the accountability that they demand and to deliver change. I want to be part of a parliament that is accountable to the people it serves and to the people who work within it.

Leader of the Opposition

Senator HENDERSON (Victoria) (21:22): In a couple of months Australians will go to the polls. There has never been a more important election. At a time when Australia needs certainty, Mr Albanese, the most extreme-Left Labor MP to ever lead the Labor Party, would be a risk to our economy and our security.

So what has Mr Albanese stood for? Just consider his record: a carbon tax, a mining tax, a congestion tax, higher super taxes, higher income taxes, a housing tax, a retirees tax, a family business tax and an inheritance tax. Even

today, after a track record of supporting higher taxes on retirees, housing and incomes, he has failed to rule out higher taxes on Australian family businesses. As part of the Rudd-Gillard government, he supported unwinding Australia's strong border protections. Under Mr Albanese's leadership, Labor has voted against laws to help deport foreign nationals who commit violent crimes.

Mr Albanese would be too weak to stand up to the Greens, the unions or even Mr Shorten, and too weak to stand up for Australia's national interests. Just consider the Labor Left, particularly in Victoria, and its absolute, profound failure to impose Daniel Andrews's insidious Belt and Road agreement. I say shame on Mr Albanese and shame on the members for Corangamite, Bendigo and Ballarat, amongst others.

Mr Albanese is a weak leader who does not know what he stands for. On major policy issues like JobKeeper and income tax relief, he flip-flops and cannot stick to a position. Mr Albanese and Labor even flip-flopped on their only major policy in response to the pandemic: a plan to spend around \$6 billion to pay every person \$300 to get a vaccine. Just imagine if he had control of the Treasury.

Mr Albanese and Labor have no plan for our economy and no plan to keep Australians safe. He is certainly not resonating in the federal electorate of Corangamite.

I can report very reliably that the lacklustre and ineffective current Labor MP, when visiting the chicken shop in Ocean Grove, told a local resident that she understood that Mr Albanese was not well liked and was in fact a real problem.

New government estimates have revealed that Labor policies announced during the pandemic would have equated to an additional \$81 billion in COVID spending. This would have led to a major blowout in the budget bottom line. Just consider the risks of a Labor-Greens alliance, because I say to all Australians: that is what you will get if Labor is elected. The true cost of the Greens' reckless proposal to put a moratorium on mining, coal, gas and oil is staggering, a moratorium that Anthony Albanese would need to indulge on the other side of the election if he wishes to form government. We've seen it before and we will see it again. Figures confirm that if the Greens get their way and force Labor down this path and there's a hung parliament at least 80,000 jobs will be put at risk, 50,000 in construction and 30,000 in ongoing employment across the country, as well as more than half a trillion dollars of investment in local communities right across Australia. The resources and energy sector contributed just over \$35 billion in royalties and company tax in last year's figures, so, if we take those billions away, it's up to Labor and the Greens to tell us which schools, which hospitals and which pensioners will be hit and where funding will be lost and taken.

Of the projects in the pipeline across the country, \$185 billion are directly contributing to lowering emissions—hydrogen, ammonia and carbon capture and storage projects. The Greens policies are so short-sighted, killing off investment in the resources sector will also impact our aim to reach net zero by 2050. Gas, in particular, will play a critical role as we transition to a lower emissions future, and we all know and have heard that the member for Corangamite has absolutely rejected gas. As I say, the Labor-Greens alliance is bad for jobs, bad for investment, bad for the budget and bad for any ambitions to reach net zero. I say to all Australians: at the next election don't risk Labor.

Coalition Government: Regional Australia

Senator CICCONE (Victoria—Deputy Opposition Whip in the Senate) (21:27): It's great to be in the chamber, hopefully as the last speaker for the evening, amongst some really close colleagues of mine here, so buckle in for the next five minutes. It's no secret that regional Australians have been doing it tough under the coalition. Through fire and flood, through a global pandemic, through significant supply chain issues and through severe worker shortages, our farmers have been struggling, but we need to ask questions: Why have they been struggling? Why have they been struggling on their own? It's because the Liberal and the National parties have abandoned regional Australia. While farming communities have been crying out for support, the only thing that the Morrison-Joyce government has delivered them is press conference after press conference. Unfortunately this week we have seen many examples of the approach of the government and their attitude towards our farmers. The challenges that are facing regional Australia continue, yet the Liberals and the Nationals are only focused on themselves. Maybe, instead of sending nasty texts to each other, this government could get its head out of the sand and actually take note of some of the real serious issues on the ground that are being faced by Australians right across our regions.

It has been two years since the terrible bushfire season that ravaged so harshly so much of our country right through eastern Australia, particularly in regional areas, but it was reported last year that the Morrison-Joyce government only delivered and set aside 1.6 per cent of its grants program for East Gippsland where 1.1 million hectares of land was burnt. This inequitable distribution of funds has meant that many people in the East Gippsland region have gone without the assistance that they desperately need and deserve. And that's not all. In October last

year it was revealed that of the \$4.7 billion that this government promised for bushfire recovery, \$0—that's right: \$0—had been spent.

This is just unbelievable. Some Australians lost everything in the bushfires. Their homes were destroyed and their lives were turned upside down. But what support do they get from the Liberals and the Nationals? They get a press conference announcing money that never arrives from a government that never delivers. And it's because the Morrison-Joyce government refuses to do its job that Australian families are living in caravans. They've suffered through COVID restrictions, health risks and economic damage while still waiting for their houses to be rebuilt. This government is all about announcements and no follow-through. It's all having very real, very severe consequences for the lives of these many, many Australians who are begging the federal government to do something to support them.

Bushfire relief is just one area where the Liberals and Nationals have let regional Australians down. For years, farmers have been crying out for labour certainty. There has been headline after headline, inquiry after inquiry, report after report about worker shortages in regional Australia. Regional areas are producing fresh vegetables and fruit, but they are all going unpicked because farmers just can't find people to come onto their farms. These issues haven't just magically appeared, but they've also gotten worse whilst we've had the pandemic over the last two years. How has the Morrison-Joyce government helped our farmers with this issue? They've flip-flopped on the agriculture visa, which they promised almost four years ago. As regional Australia has been desperate for certainty, this government has changed its position on the ag visa at least half a dozen times, and it's becoming hard to keep up. After flip-flopping for years, the Morrison-Joyce government finally launched an ag visa program about six months ago, but how many countries have signed up to this program, you might ask? The answer is simple: it's zero. In the *Warrnambool Standard* last week, vegetable growers expressed disappointment in the program. They are mortified that this government has let them down and let farmers down right across regional Australia.

Western Australia: Bushfires

The PRESIDENT (21:32): Senator Ciccone, I hate to steal your thunder, but I'm actually going to add a few remarks this evening before we finish. I wish to pay tribute to the many, many volunteer firefighters in Western Australia who have spent the last week—or more, in some cases—fighting a number of bushfires across my home state, particularly in that part of Western Australia which I know so well: the south-west. There have been significant fires across the south-west, particularly in the electorate of O'Connor, which is the electorate of my good friend Rick Wilson. In particular there was a devastating fire around Wickepin which another one of my good friends, Steve Martin MLC, member of the upper house in Western Australia, was directly involved in fighting. Steve is one of the many, many volunteers who fought the Wickepin fire. His brigade—the wonderfully country-named 10 Mile to 86 Gate Brigade—spent the night battling a terrific blaze. The words Steve said to me were: 'I don't want to fight another fire like that.' Brigades came from all around the local area from Cuballing, Narrogin, Wickepin, Yealering, Harrismith, Dumbleyung, Wagin, Highbury and Tincurrin. Volunteers, with the support of many professionals as well, did get the fire under control over a terrible night. But I think it's good to recognise the efforts of our volunteers, particularly our bush firefighting volunteers and the amazing efforts they put in every summer, so I would personally like to thank them all.

Senate adjourned at 21:34