



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2024-179
Date of Application	22 May 2024
Date of Decision	2 July 2024
Processing time (in working days)	26
Fees	N/A
Decision on Access	Full Release
Information Requested (summary)	Draft and final speeches made by the Chief Minister since October 2023 on the condemnation of killing children in the West Bank and Gaza Strip.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: CMTEDD FOI
Subject: FW: CMTEDDFOI 2024-179 - Freedom of Information request - Children killed in the Palestinian Territories

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, May 22, 2024 10:39 PM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: CMTEDDFOI 2024-179 - Freedom of Information request - Children killed in the Palestinian Territories

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important<<http://www.act.gov.au/emailsecurity>>

Dear ACT Chief Minister, Treasury And Economic Development Directorate,

I am requesting the following documents under the FOI act:

All public speeches made by the ACT Chief Minister that contain a condemnation about the killing of children in the occupied Palestinian Territories, specifically in East Jerusalem, the West Bank and the Gaza Strip since the 7th October 2023. I require all draft and final versions of these speeches.

Yours faithfully,

[REDACTED]

Please use this email address for all replies to this request:

[REDACTED]

Is CMTEDDfoi@act.gov.au the wrong address for Freedom of Information requests to ACT Chief Minister, Treasury And Economic Development Directorate? If so, please contact us using this form:

[REDACTED]





Dear Applicant

FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 22 May 2024.

Specifically, you have sought access to the following information:

“All public speeches made by the ACT Chief Minister that contain a condemnation about the killing of children in the occupied Palestinian Territories, specifically in East Jerusalem, the West Bank and the Gaza Strip since the 7th October 2023. I require all draft and final versions of these speeches.”

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days. Therefore, a decision is due by **8 July 2024**.

Decision on access

Searches of records have identified five documents within the scope of your request, which includes records held by the Chief Minister’s office.

I have decided to grant **full access** to five documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

The date range for the scope of your requested information is for records held between 7 October 2023 until 22 May 2024, (the date that you submitted your access application).

Release of documents

The information being released to you is provided at **Attachment B**.

Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request

Scope of your request

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

One document, folio 5, contains information published on the website of the Legislative Assembly of the Australian Capital Territory (ACT Legislative Assembly), which contains part of a Hansard transcript of 7 February 2024.

Information is published on Hansard here:

<https://www.hansard.act.gov.au/hansard/10th-assembly/2024/PDF/20240207.pdf>

Hansard records and publishes the debates of the Legislative Assembly and the evidence taken during hearings of the Assembly committees. Please refer to pages 168-171 of Hansard. The above link is for the full publication of folio 5, noting that Folio 5 contains a partial extract from Hansard, as referenced in **Attachment A**.

The ACT Legislative Assembly publishes recordings on its website. They can be located here:

<https://broadcast.parliament.act.gov.au/vod/player/cecbeeba9dc567c45d20608bbb90ce9e?i=63e31e7cf8684e79b7e79f3b26925967-98>

Exemptions claimed

Schedule 1 of the Act: Information taken to be contrary to the public interest.

No Schedule 1 factors were identified. Therefore, this has not been a relevant factor.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Schedule 2 of the Act: Factors to be considered when deciding the public interest.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (under Sch 2, Section 2.1)

- Section 2.1(a)(i) - *promote open discussion of public affairs and enhance the government’s accountability.*

- Section 2.1(a)(ii) - *contribute to positive and informed debate on important issues or matters of public interest.*

Under section 14 of the Act, the meaning of **government information**:

(a) means information held by an agency or Minister; but

(b) does not include information—

(i) relating to a Minister's personal or political activities; or

(ii) created or received by a Minister in the Minister's capacity as a member of the Legislative Assembly.

held—*information is held by an agency or Minister if it is—*

(a) contained in a record held by the agency or Minister; or

(b) contained in a record that the agency or Minister is entitled to access.

Documents within your requested scope relate to public speeches given in the Legislative Assembly of the ACT during parliamentary debates. Noting that there may be public interest in the subject matter discussed, I have decided to release information insofar as records held include government information, and the definition does not include documents made in a personal capacity or during political activities.

I am satisfied that these factors favouring disclosure carry significant weight. However, these factors are to be balanced against the factors favouring nondisclosure. I did not identify any factors favouring non-disclosure within scope of this request.

Having applied the test outlined in section 17 of the Act, I am satisfied that the pro-disclosure intent of the Act is met and will provide you with access to all information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate

2 July 2024



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference No.

"All public speeches made by the ACT Chief Minister that contain a condemnation about the killing of children in the occupied Palestinian Territories, specifically in East Jerusalem, the West Bank and the Gaza Strip since the 7th October 2023. I require all draft and final versions of these speeches."

CMTEDDFOI 2024-179

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Document – "Chief Minister talking points – Israel-Hamas conflict"	undated	Full release		Yes
2	3-5	Document – "Chief Minister talking points – Israel-Hamas conflict"	undated	Full release		Yes
3	6-7	Document – "Chief Minister talking points – Israel-Hamas conflict" (Final)	undated	Full release		Yes
4	8-10	Document – "Chief Minister talking points – Israel-Hamas conflict" (Final)	undated	Full release		Yes
5	11-14	Australian Capital Territory, <i>Parliamentary Debates</i> , Legislative Assembly of the ACT, 7 February 2024, 168-171 (Andrew Barr, Chief Minister) - i.e. Hansard – Speech Extract- 7 February 2024 – pages 168-171	07/02/2024	Full release		Yes
Total No of Docs						
5						

Chief Minister talking points – Israel-Hamas conflict

I thank Mr Braddock for this motion, and move the amendments in my name.

Our hearts go out to those innocents suffering through the bloody conflict.

We are torn as we see the pain and suffering on our screens and online every night, particularly children and young people harmed or in shock.

I understand and respect Mr Braddock's motivation for bringing forward this motion. Whenever we see pain and destruction in the world, we think about what we can do as individuals, and what forces we can marshal, to help. That's a natural human instinct.

But we must also consider what we, as representatives of our wonderful multicultural community, can do within our own jurisdiction to best help the many people living here negatively affected by the conflict.

We may be powerless to affect the course of the conflict there; but we are in the privileged position to support and care for our fellow Canberrans, through our words and acts.

Many in our city have loved ones living in the conflict zone, or who were subject to the indiscriminate missile attacks and violence of the Hamas incursion.

Labor's main aim in bringing these amendments is to better reflect what we, as Assembly representatives, can actually do to best support our local communities, and what we should be doing as local leaders to promote harmony and mutual respect.

This is actually within Members' jurisdiction and capacity to drive practical, noticeable and positive change, right here.

I think it's also important that this place reflects on, and reiterates the important, bipartisan motion agreed by the

Commonwealth Parliament shortly after the horrific attacks of 7 October.

Of course the conflict has moved on since then, and we have seen the impact of Israel's response against Hamas' attacks on the Palestinian civilian population.

As the Prime Minister said in that debate, "The Palestinian people are suffering greatly, and this suffering has impacted on generations of Palestinians. The humanitarian situation in the Gaza Strip, which is home to two million people, is deteriorating rapidly."

That is why, in Labor's proposed amendments, our reference to the Commonwealth motion focuses in particular on recognition and support for the human rights of civilians caught in the conflict and fleeing human rights abuses.

Labor also considers it important to not use inaccurate or damaging terms in debating this extremely difficult situation. It is unhelpful and distressing to many Australians and Canberrans.

My amendments also more accurately describe the named companies held as ACT investments, by directly quoting the UN Office of the High Commissioner for Human Rights database of companies involved in defined activities; and set out the steps the Government should take to review our holdings in a structured, considered way.

I commend my amendments to the Assembly, and sincerely hope that through our good faith discussions across parties, we have reached a position where we can have tripartisan support for this amended motion.

That is one important way we can demonstrate to the Canberra community that despite our differences, we are united in our support for ACT residents affected by this horrible conflict.

Chief Minister talking points – Israel-Hamas conflict

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Many in our city have loved ones living in the conflict zone, or who were subject to the indiscriminate missile attacks and violence of the Hamas incursion.

Labor's aim in bringing these amendments is to try and find agreement in this place to support our local communities, and promote harmony and mutual respect.

I think it's also important that this place reiterates key elements of the bipartisan motion agreed by the Commonwealth Parliament shortly after the horrific attacks of 7 October.

Of course much has happened since then, and we have seen the impact of Israel's response against Hamas' attacks on the Palestinian civilian population.

As the Prime Minister said in that debate, “The Palestinian people are suffering greatly, and this suffering has impacted on generations of Palestinians. The humanitarian situation in the Gaza Strip, which is home to two million people, is deteriorating rapidly.”

That is why our focus should be on recognition and support for the human rights of civilians caught in the conflict and fleeing human rights abuses.

Finally, my amendments accurately describe the named companies held as ACT investments, by directly quoting the UN Office of the High Commissioner for Human Rights database of companies involved in defined activities; and set out the steps the Government should take to review our holdings in a structured, considered way.

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That is one important way we can demonstrate to the Canberra community that despite our differences, we are united in our support for ACT residents affected by this horrible conflict.

However, there are communities living right here, right now in Canberra who are struggling. These are our constituents who are calling for our compassionate leadership on this moral issue. They are trying to engage with us as their representatives. My inbox has overflowed with correspondence on this issue. They have conducted weekly protests in the 17 weeks since October last year. They are not going away. They care, and they want us to care. Some of them are here today, and I welcome their presence within the chamber. I would like to question how many members have actively engaged with their community members and their constituents on this very question.

In closing, I would like to paraphrase Mr Barr, in a motion that he spoke to on Ukraine last year. He said that our jurisdiction has a strong history of supporting and strengthening human rights, multiculturalism and diplomacy, and that the motion was a small but important opportunity to voice our support, not only for our local communities but internationally.

The decisions we make here today send important signals and help to set expectations both across the country and for our own people. I commend my motion to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Climate Action, Minister for Tourism and Minister for Trade, Investment and Economic Development) (3.19): by leave, I move the following amendments together:

1. Omit paragraph (1)(c), substitute:
 - “(c) this escalating conflict has occurred in the context of ongoing occupation of the Palestinian territories, construction of illegal settlements, and displacement of the Palestinian people”.
2. After paragraph (1)(f), insert:
 - “(g) as individuals and in our collective society we all have responsibility to act with humanity in our actions and reactions;
 - (h) the conflict in Gaza and Israel has and continues to challenge the commitment to humanity of the actors of this conflict as well as the global community; and
 - (i) the impacts of the conflict and the decades of struggle that have led to this point are felt deeply in the ACT community”.
3. Omit paragraphs (2) to (4), substitute:
 - “(2) that all Members of this Assembly accordingly voice their support for:
 - (a) key elements of the Prime Minister's motion of 16 October 2023, as passed with bipartisan support in the House of Representatives, and in particular:
 - (i) justice and freedom for Israelis and Palestinians alike;
 - (ii) international efforts to establish and maintain humanitarian access into Gaza, including safe passage for civilians;
 - (iii) the Australian Government's ongoing efforts to provide consular assistance to affected Australians and to facilitate the departure of those who want to leave the region;

- (iv) the motion's condemnation of all forms of hate speech and violent extremist activity, including antisemitism and Islamophobia; and
 - (v) affirmation in the strongest possible terms that hateful prejudice has no place in Australia;
 - (b) a permanent humanitarian ceasefire;
 - (c) release of all hostages and political prisoners;
 - (d) all perpetrators of human rights violations and unlawful killings to be held accountable for their actions in accordance with international law;
 - (e) restoration of humanitarian aid to the civilian population; and
 - (f) withdrawal from internationally agreed Palestinian territories;
- (3) further calls on all Members of this Assembly to:
- (a) act with responsibility and thoughtfulness as representatives of the ACT community, to ensure to the best of our ability that all members in our community have their rights upheld, and that our actions serve to alleviate the negative impacts this conflict is having on ACT residents;
 - (b) continue to condemn antisemitism, islamophobia, and racism, and state these have no place here in the ACT; and
 - (c) voice their support for Canberra's Jewish, Palestinian, and other affected communities and individuals during this challenging time, including people seeking refuge in the ACT;
- (4) that this Assembly further notes:
- (a) the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) maintains a database of companies involved in one of ten defined activities (paragraph 96 A/HRC/22/63) that raise particular human rights violations concerns regarding Israeli settlements throughout the Occupied Palestinian Territory, with 97 companies currently listed that have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements;
 - (b) as of 31 December 2023, the ACT Government held investments in the following companies listed in the UNOHCHR database:
 - (i) Airbnb Inc;
 - (ii) Alstom SA;
 - (iii) Bank Hapoalim BM;
 - (iv) Bank Leumi Le-Israel BM;
 - (v) Booking Holdings Inc;
 - (vi) Expedia Group Inc;
 - (vii) Israel Discount Bank Ltd;
 - (viii) Mizrahi Tefahot Bank Ltd; and
 - (ix) Motorola Solutions Inc; and
 - (c) the ACT Government's Responsible Investment Policy of March 2023 includes an Environment, Social and Corporate Governance (ESG) controversy assessment that identifies and excludes investment where a company is assessed as having a very severe ESG controversy related

to their operations, governance practices, and/or products and services that allegedly violates national or international laws, regulations and/or commonly accepted global norms; and

- (5) calls on the ACT Government, following advice from the Investment Advisory Board regarding the current policy settings, to report back to the Assembly by the end of August 2024 on divestments that have or may be undertaken, to ensure that company ESG controversy exclusions fully consider companies involved in, or profiting from, any human rights violations, including the illegal occupation of the Palestinian Territories.”.

I thank Mr Braddock for his motion this afternoon. I state at the outset, and I hope I speak on behalf of all members of the Assembly, that our hearts go out to the people who are suffering through this conflict. It is hard to avoid seeing the pain and suffering in all forms of media every single day, and we particularly note the harm that children and young people are experiencing at this time.

It is a natural human instinct, whenever we see pain and destruction in the world, to think about what we can do as individuals and what forces we could possibly marshal to help. We must also consider what we, as representatives of our community, can do within our own jurisdiction to best help people who are living in Canberra and are being negatively affected by this conflict. As Mr Braddock has touched upon, we are, in large part, powerless from our jurisdiction to affect the course of the conflict; but we are certainly in a position to support and care for our fellow Canberrans in what we say and what we do. There is no doubt that there are many people living in Canberra who have loved ones living in the conflict zone or are subject to the indiscriminate missile attacks and violence of the Hamas incursion.

I have brought forward a series of amendments to Mr Braddock’s motion this afternoon, with a view to try to find agreement in this place to support our local communities and promote harmony and mutual respect. My aim, in bringing forward the amendments—and my office and colleagues have been working with both the Canberra Liberals and the ACT Greens—has been to try to find as much common ground as possible. I acknowledge and thank both other parties in this place for seriously engaging on that. I think the amendments do find a lot of common ground; but I acknowledge that there are still some words, phrases and sentences within both the original motion and my amendments that may still cause some concern. I acknowledge that. This is an issue about which there are obviously many different perspectives. We have done our best to try to bring this place together and I think we have got quite close. I acknowledge the efforts of members from all parties to achieve that.

The promotion of harmony and mutual respect at this time is very important for Canberra. I also think it is important that we take the opportunity in this debate to reiterate where there is, I believe, agreement across the three parties. There are the key elements of a motion that was moved by the Prime Minister in the commonwealth parliament that achieved near universal support shortly after the horrific attacks of 7 October. I acknowledge that much has happened since then. We have seen the impact of Israel’s response against the Hamas attacks on the Palestinian civil population. I think it is worth quoting what the Prime Minister said in that debate. He said:

The Palestinian people are suffering greatly, and this suffering has impacted on generations of Palestinians. The humanitarian situation in the Gaza Strip, which is home to two million people, is deteriorating rapidly.

That is why I believe our focus should be on recognition and support for the human rights of civilians who are caught up in this conflict and are fleeing human rights abuses.

An element of my amendments seeks to effectively describe, by quoting the Office of the United Nations High Commissioner for Human Rights, the database of companies involved in defined activities. The companies that Mr Braddock has listed, nine of them, are held as investments by the territory's Superannuation Provision Account. The database involves what is described as defined activities. The use of the word "complicit", in an attempt to perhaps be a catch-all, is not the language that the UN uses. I think that is an important distinction and why it is in the amendments, and why my amendments set out the steps that the government will take in reviewing holdings of the Superannuation Provision Account in a structured and considered way.

We have an investment review advisory board and we have, as Mr Braddock indicated, a set of screening guidelines that are used by our fund managers. It is certainly appropriate to review that in light of this information. That is the reason for the amendments. That section of the amendments focuses specifically on a direct quote from the UN office.

I commend the three separate parts in the amendments that, as I say, seek to find as much common ground as possible. I again thank each political party for the sincerity and good faith in the discussions that have occurred in the lead-up to debating this motion this afternoon. We might not have reached a position where we will have complete unanimity on every single word in the motion and the amendments, but I do acknowledge the genuine goodwill that has been brought to try to get to that point. I think there are only a small number of differences. That is important, and it is important that this effort was made so that we could demonstrate to our community—despite the fact that we have often quite significant political differences on many issues and we spend a lot of time debating those things—that we may be able to come together and be as united as we possibly can be in support of ACT residents who are affected by this horrible conflict.

I commend my amendments to the Assembly.

MS LEE (Kurrajong—Leader of the Opposition) (3.27): The attacks on Israel by Hamas on 7 October last year shocked everyone around the world. Over 1,200 Jewish people were killed—the biggest loss of Jewish life in a single day since the Holocaust. Sadly, conflict has been a part of life for many in the Middle East for a long time, but the heinous attacks on 7 October by Hamas, the targeting of innocent civilians and the taking of hostages—many of them women and children—were horrific and we must condemn these actions in the strongest possible way.

On behalf of the Canberra Liberals, our thoughts and sympathies go to all members of the Jewish community here in Canberra who have lost loved ones and are suffering as a result of these horrific attacks. Today I reinforce the Canberra Liberals' position that