Contents

1 Meeting of Senate ................................................................. 3037
2 Documents ............................................................................... 3037
3 Message from Her Majesty the Queen—Parliament House—
   30th anniversary of official opening ........................................ 3037
4 Documents ............................................................................... 3038
5 Committees—Leave to meet during sittings ............................. 3038
6 Family Assistance and Child Support Legislation Amendment (Protecting
   Children) Bill 2018 ............................................................... 3038
7 Home Affairs and Integrity Agencies Legislation Amendment Bill 2018 .... 3043
8 Qualification of Senator Gallagher—Vacancy in the representation of the
   Australian Capital Territory—Statement by President ............. 3043
9 Home Affairs and Integrity Agencies Legislation Amendment Bill 2018 .... 3043
10 Investigation and Prosecution Measures Bill 2017 ..................... 3046
11 Communications Legislation Amendment (Regional and Small Publishers
   Innovation Fund) Bill 2017 .................................................. 3056
12 Senators’ statements ............................................................. 3057
13 Questions ................................................................................ 3057
14 Motions to take note of answers ............................................ 3057
15 Notices .................................................................................. 3058
16 Political Influence of Donations—Select Committee—Leave to meet during
   sitting .................................................................................... 3066
17 Postponement ........................................................................ 3066
18 Income support ...................................................................... 3066
19 Postponement ........................................................................ 3067
20 Israel ....................................................................................... 3067
21 Foreign Affairs, Defence and Trade—Joint Standing Committee—
   Extension of time to report ..................................................... 3068
22 Routine of business—First speeches ....................................... 3069
23 Legislation committees—References ....................................... 3069
24 70th World Health Assembly on Cancer Prevention and Control—
   Resolution ........................................................................... 3069
<table>
<thead>
<tr>
<th>No. 96—9 May 2018</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>3070</td>
</tr>
<tr>
<td>National Broadband Network—Order for production of documents</td>
<td>3070</td>
</tr>
<tr>
<td>26</td>
<td>3070</td>
</tr>
<tr>
<td>Criminal Code and Other Legislation Amendment (Removing Commonwealth Restrictions on Cannabis) Bill 2018</td>
<td>3070</td>
</tr>
<tr>
<td>27</td>
<td>3071</td>
</tr>
<tr>
<td>Death of Mr Stuart Devlin, AO, CMG</td>
<td>3071</td>
</tr>
<tr>
<td>28</td>
<td>3071</td>
</tr>
<tr>
<td>Motor Neurone Disease Awareness Week</td>
<td>3071</td>
</tr>
<tr>
<td>29</td>
<td>3072</td>
</tr>
<tr>
<td>Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018</td>
<td>3072</td>
</tr>
<tr>
<td>30</td>
<td>3072</td>
</tr>
<tr>
<td>Murray-Darling Basin Authority—Adjustment mechanism projects—Order for production of documents</td>
<td>3072</td>
</tr>
<tr>
<td>31</td>
<td>3073</td>
</tr>
<tr>
<td>MAYDAYS for Eating Disorders</td>
<td>3073</td>
</tr>
<tr>
<td>32</td>
<td>3073</td>
</tr>
<tr>
<td>World Day for Safety and Health at Work—Workers’ Memorial Day</td>
<td>3073</td>
</tr>
<tr>
<td>33</td>
<td>3073</td>
</tr>
<tr>
<td>International Myalgic Encephalomyelitis and Chronic Fatigue Syndrome Awareness Day</td>
<td>3073</td>
</tr>
<tr>
<td>34</td>
<td>3074</td>
</tr>
<tr>
<td>Overseas departmental and agency staff—Order for production of documents</td>
<td>3075</td>
</tr>
<tr>
<td>35</td>
<td>3075</td>
</tr>
<tr>
<td>Questions on notice—Answers—Order for production of documents</td>
<td>3075</td>
</tr>
<tr>
<td>36</td>
<td>3076</td>
</tr>
<tr>
<td>Treasury Laws Amendment (Axe the Tampon Tax) Bill 2018</td>
<td>3076</td>
</tr>
<tr>
<td>37</td>
<td>3076</td>
</tr>
<tr>
<td>Homelessness</td>
<td>3076</td>
</tr>
<tr>
<td>38</td>
<td>3077</td>
</tr>
<tr>
<td>World Red Cross and Red Crescent Day</td>
<td>3077</td>
</tr>
<tr>
<td>39</td>
<td>3078</td>
</tr>
<tr>
<td>2017-18 additional estimates—Unanswered questions on notice—Order for production of documents</td>
<td>3078</td>
</tr>
<tr>
<td>40</td>
<td>3078</td>
</tr>
<tr>
<td>Qualification of Senator Gallagher—Vacancy in the representation of the Australian Capital Territory—Documents</td>
<td>3078</td>
</tr>
<tr>
<td>41</td>
<td>3078</td>
</tr>
<tr>
<td>Discussion of matter of public importance—Budget 2018-19</td>
<td>3078</td>
</tr>
<tr>
<td>42</td>
<td>3079</td>
</tr>
<tr>
<td>First speech</td>
<td>3079</td>
</tr>
<tr>
<td>43</td>
<td>3079</td>
</tr>
<tr>
<td>Discussion of matter of public importance—Budget 2018-19</td>
<td>3079</td>
</tr>
<tr>
<td>44</td>
<td>3079</td>
</tr>
<tr>
<td>Documents—Consideration</td>
<td>3079</td>
</tr>
<tr>
<td>45</td>
<td>3079</td>
</tr>
<tr>
<td>Committee reports and government responses—Tabling and consideration</td>
<td>3079</td>
</tr>
<tr>
<td>46</td>
<td>3080</td>
</tr>
<tr>
<td>Committee membership</td>
<td>3080</td>
</tr>
<tr>
<td>47</td>
<td>3080</td>
</tr>
<tr>
<td>Interstate Road Transport Legislation (Repeal) Bill 2018</td>
<td>3080</td>
</tr>
<tr>
<td>48</td>
<td>3081</td>
</tr>
<tr>
<td>49</td>
<td>3081</td>
</tr>
<tr>
<td>Migration Amendment (Skilling Australians Fund) Bill 2018</td>
<td>3081</td>
</tr>
<tr>
<td>50</td>
<td>3081</td>
</tr>
<tr>
<td>Basin Plan Amendment (SDL Adjustments) Instrument—Proposed disallowance</td>
<td>3081</td>
</tr>
<tr>
<td>51</td>
<td>3082</td>
</tr>
<tr>
<td>Communications Legislation Amendment (Regional and Small Publishers Innovation Fund) Bill 2017</td>
<td>3082</td>
</tr>
<tr>
<td>52</td>
<td>3082</td>
</tr>
<tr>
<td>Adjournment</td>
<td>3082</td>
</tr>
<tr>
<td>53</td>
<td>3083</td>
</tr>
<tr>
<td>Attendance</td>
<td>3083</td>
</tr>
</tbody>
</table>
1 Meeting of Senate
The Senate met at 9.30 am. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

2 Documents
The following documents were tabled pursuant to standing order 61(1)(b):

Government documents
   Migration Act 1958—Section 486O—Assessment of detention arrangements—Commonwealth Ombudsman’s reports—Reports for 2018—
4. No. 10.
5. No. 11.
6. No. 12.
   Government responses to Commonwealth Ombudsman’s reports for 2018, dated 7 May 2018—
7. No. 10.
8. No. 11.

3 Message from Her Majesty the Queen—Parliament House—30th anniversary of official opening
The President informed the Senate that the following message from Her Majesty Queen Elizabeth II had been received, through His Excellency the Governor-General, concerning the 30th anniversary of the official opening by Her Majesty of Parliament House:

Please convey my warm thanks to the Members of the Senate and the House of Representatives for their kind letter, sent on the occasion of the Thirtieth Anniversary of the opening of Australia’s Parliament House which is being celebrated today.

I remember with fondness my visit to Canberra during Australia’s Bicentenary and was interested to learn that Parliament House now attracts more than one million visitors each year.

This message comes with my best wishes to you and the Australian people for a most successful year of events marking this milestone in the history of your National Parliament.

ELIZABETH R.
4 Documents
The Clerk tabled the following documents pursuant to statute:

Census and Statistics Act 1905—
Release of Lists from National Early Childhood Education and Care Collection (NECECC)—Proposal No. 3 of 2018.

Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

Public Governance, Performance and Accountability Act 2013—Commonwealth has acquired shares in Australian Rail Track Corporation Limited—7 May 2018 [3].

The Clerk tabled the following documents pursuant to order:

Departmental and agency appointments and vacancies—Budget estimates 2018-19—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Agriculture and Water Resources portfolio.
Finance portfolio.

Departmental and agency grants—Budget estimates 2018-19—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Department of Human Services.
Finance portfolio.

Estimates hearings—Unanswered questions on notice—Additional estimates 2017-18—Statements pursuant to the order of the Senate of 25 June 2014—
Attorney-General’s portfolio.
Australian Trade and Investment Commission.
Department of the Prime Minister and Cabinet.
Tourism Australia.

5 Committees—Leave to meet during sittings
Committees were authorised to meet during the sittings of the Senate, as follows:

Future of Work and Workers—Select Committee—private briefings today, from 1 pm and from 3 pm.
National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 4.30 pm.
Treaties—Joint Standing Committee—public meetings, from 11 am, on Monday, 18 June and Monday, 25 June 2018.

6 Family Assistance and Child Support Legislation Amendment (Protecting Children) Bill 2018
Order of the day read for the further consideration of the bill in committee of the whole.
In the committee
Consideration resumed of Schedule 1, Part 2.
Debate resumed.
Question—That Schedule 1, Part 2 stand as printed—put.
The committee divided—

AYES, 35

Senator—
Abetz
Anning
Bernardi
Birmingham
Brockman
Burston
Bushby*
Canavan
Cash

Colbeck
Duniam
Fawcett
Ferraravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hanson

Hume
Leyonhjelm
Macdonald
McGrath
Molan
O’Sullivan
Paterson
Patrick
Payne

Reynolds
Ruston
Ryan
Scullion
Smith
Stoker
Storer
Williams

NOES, 33

Senator—
Bartlett
Bilyk
Brown
Cameron
Chisholm
Collins
Di Natale
Dodson
Farrell

Gallacher
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Lines
Marshall

Martin
McAllister
McCarthy
McKim
Moore
O’Neill
Pratt
Rhiannon

Rice
Siewert
Singh
Steele-John
Sterie
Urquhart*
Watt
Whish-Wilson

* Tellers

Part agreed to.

Senator Pratt moved the following amendments together by leave:
Schedule 1, item 40, page 35 (line 5), omit “When amended tax assessment may”, substitute “Amended tax assessment to”.
Schedule 1, item 40, page 35 (line 9), omit “may”, substitute “must”.
Schedule 1, item 40, page 35 (line 16) to page 36 (line 6), omit paragraphs 56(2A)(a) to (c), substitute:
(a) the amendment to the tax assessment is made under item 5 of the table in subsection 170(1) of the Income Tax Assessment Act 1936 (amendment due to fraud or evasion); or
(b) both of the following apply:
   (i) the parent’s adjusted taxable income worked out as a result of the amended tax assessment is higher than the parent’s previous adjusted taxable income;
   (ii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the parent unjustified financial hardship, having regard to the financial situation of the other parent; or
(c) both of the following apply:
   (i) the parent satisfies the condition specified in subsection (2AA) in relation to the amended tax assessment;
(ii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the other parent unjustified financial hardship; or

(d) all of the following apply:
   (i) the parent does not satisfy the condition specified in subsection (2AA) in relation to the amended tax assessment;
   (ii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the other parent unjustified financial hardship;
   (iii) the Registrar is satisfied that special circumstances exist.

(2AA) A parent satisfies the condition in this subsection in relation to an amended tax assessment if the parent applied for the amendment of the tax assessment on or before:
   (a) the day by which the parent was required to lodge his or her income tax return for that year of income with the Commissioner of Taxation (taking into account any deferral under section 388-55 in Schedule 1 to the \textit{Taxation Administration Act 1953}); or
   (b) the end of 28 days after the parent was given the tax assessment (including an amended tax assessment) by the Commissioner of Taxation; or
   (c) the end of 28 days after the parent becomes aware that the tax assessment is not correct if the parent did not apply for the amendment on or before a day referred to in paragraph (a) or (b) because of circumstances beyond the knowledge or control of the parent.

Schedule 1, item 42, page 36 (after line 25), after subsection 57(7), insert:

(7A) However, the Registrar must not amend an administrative assessment of child support under subsection (7) unless:
   (a) the amendment to the tax assessment is made under item 5 of the table in subsection 170(1) of the \textit{Income Tax Assessment Act 1936} (amendment due to fraud or evasion); or
   (b) paragraph (a) of this subsection does not apply and the Registrar is satisfied that the amendment of the administrative assessment would not cause the parent unjustified financial hardship, having regard to the financial situation of the other parent.

Schedule 1, page 36 (before line 26), before item 43, insert:

\textbf{42A Paragraph 58A(2)(b)}

Repeal the paragraph, substitute:

(b) all of the following apply:
   (i) paragraph (a) of this subsection does not apply;
   (ii) the amount subsequently ascertained, as mentioned in subparagraph (1)(b)(i), is higher than the amount that was determined under section 58;
   (iii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the parent unjustified financial hardship, having regard to the financial situation of the other parent; or
(ba) all of the following apply:

(i) paragraph (a) of this subsection does not apply;
(ii) the later amount that the Registrar determines, as mentioned in subparagraph (1)(b)(ii), is higher than the earlier amount determined under section 58;
(iii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the parent unjustified financial hardship, having regard to the financial situation of the other parent; or

42B Paragraph 58A(2)(c)

Omit “neither paragraph (a) nor (b) applies”, substitute “none of paragraphs (a) to (ba) apply”.

Schedule 1, item 43, page 37 (lines 8 to 35), omit paragraphs 58A(3B)(a) and (b), substitute:

(a) both of the following apply:

(i) the parent’s adjusted taxable income worked out as a result of the amended tax assessment is higher than the amount determined under section 58;
(ii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the parent unjustified financial hardship, having regard to the financial situation of the other parent; or

(b) all of the following apply:

(i) the parent lodged his or her income tax return for that year of income with the Commissioner of Taxation on or before the day by which the parent was required to lodge the income tax return for that year (taking into account any deferral under section 388-55 in Schedule 1 to the Taxation Administration Act 1953);
(ii) the parent satisfies the condition specified in subsection (3BA) in relation to the amended tax assessment;
(iii) the Registrar is satisfied that the amendment of the administrative assessment would not cause the other parent unjustified financial hardship.

(3BA) A parent satisfies the condition in this subsection in relation an amended tax assessment if:

(a) the parent applied for the amendment of the tax assessment on or before the day by which the parent was required to lodge his or her income tax return for that year; or
(b) the parent applied for the amendment of the tax assessment before the end of 28 days after the parent was given the tax assessment (including an amended tax assessment) by the Commissioner of Taxation; or
Schedule 1, page 39 (after line 7), after item 43, insert:

43A At the end of Subdivision B of Division 7 of Part 5

Add:

58BA Commissioner to inform Registrar of amended tax assessments

If the assessment of a parent’s taxable income for a relevant year of income in relation to a child support period is amended (whether or not because of an objection, appeal or review), the Commissioner of Taxation must inform the Registrar of the amended assessment as soon as practicable after it is made.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 33

Senators—

Bartlett
Bilyk
Brown
Cameron
Chisholm
Collins
Di Natale
Dodson
Farrell
Gallacher
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Lines
Marshall

Martin
McAllister
McCarthy
McKim
Moore
O’Neill
Pratt
Rhiannon

Rice
Sievert
Singh
Steele-John
Sterle
Urquhart*
Watt
Whish-Wilson

NOES, 34

Senators—

Abetz
Anning
Bernardi
Birmingham
Brockman
Burston
Busby*
Canavan
Cash
Colbeck
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hanson

Hume
Leyonhjelm
Macdonald
McGrath
Molan
O’Sullivan
Paterson

Payne
Reynolds
Ruston
Ryan
Scullion
Smith
Stoker
Storer

*Tellers

Question negatived.

Bill agreed to and reported without amendment.
On the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells) the report from the committee was adopted and the bill read a third time.

7 Home Affairs and Integrity Agencies Legislation Amendment Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 360, dated 8 May 2018—A Bill for an Act to deal with consequential matters arising from the establishment of the Home Affairs portfolio, and for related purposes.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Fierravanti-Wells moved—that this bill be now read a second time.

Explanatory memorandum: Senator Fierravanti-Wells tabled a revised explanatory memorandum relating to the bill.

Debate ensued.

Debate was interrupted, by leave.

8 Qualification of Senator Gallagher—Vacancy in the representation of the Australian Capital Territory—Statement by President
The President informed the Senate that, a short time earlier, the High Court, sitting as the Court of Disputed Returns, answering questions referred by the Senate on 6 December 2017 (see entry no. 3, 6 December 2017), had held that Katy Gallagher was incapable of being chosen as a senator for the Australian Capital Territory at the election held on 2 July 2016, by reason of section 44(i) of the Constitution.

Statement by leave: The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to the matter.

9 Home Affairs and Integrity Agencies Legislation Amendment Bill 2018
Debate resumed on the question—that this bill be now read a second time.

Question put.

The Senate divided—

AYES, 46

Senators—

Abetz
Anning
Bilyk
Brockman
Burston
Brashby
Cameron
Carr
Chisholm
Colbeck
Dodson
Duniam
Farrell
Fawcett*
Fierravanti-Wells
 Fifield
Gallacher
Georgiou
Gichuhi
Griff
Hanson
Hinch
Hume
Keneally
Ketter
Kitching
Leyonhjelm
Lines
Marshall
Martin
McAllister
McCarthy
Molan
Moore
O’Neill
O’Sullivan
Paterson
Patrick
Pratt
Reynolds
Singh
Smith
Sterle
Stoker
Storer
Watt
Bill taken as a whole by leave.

Senator Patrick moved the following amendments together by leave:

Clause 2, page 3 (at the end of the table), add:

8. Schedule 3 The day after this Act receives the Royal Assent.

Page 61 (after line 5), at the end of the bill, add:

**Schedule 3—Amendments relating to oversight of intelligence agencies**

**Intelligence Services Act 2001**

1 **Paragraph 29(1)(a)**

After “to review the”, insert “activities,”.

2 **Subsection 29(3)**

Repeal the subsection, substitute:

(3) The functions of the Committee do not include:

(a) reviewing information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information; or

(b) conducting inquiries into individual complaints about the activities of ASIO, ASIS, AGO, DIO, ASD, ONA, AFP or the Immigration and Border Protection Department.

3 **After section 29**

Insert:

29A **Ceasing or suspending review of agency activities**

*Certificate received from responsible Minister*

(1) If:

(a) the Committee undertakes a review under section 29 of an activity by ASIO, ASIS, AGO, DIO, ASD or ONA; and

(b) the relevant responsible Minister is of the opinion that:

(i) the activity is an ongoing operation; and
(ii) the review would interfere with the proper performance by the relevant body of its functions or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations;

the Minister may give to the Committee a certificate in relation to the matter stating the Minister’s opinion and the reasons for it.

(2) The Minister must give a copy of a certificate under subsection (1) to the President of the Senate and to the Speaker of the House of Representatives.

(3) A decision of the Minister under subsection (1) must not be questioned in any court or tribunal.

(4) Where the Minister gives a certificate under subsection (1) in relation to a review, the Committee must cease or suspend the review.

(5) Subsection (4) has effect subject to subsection (7).

Review by Inspector-General of Intelligence and Security

(6) Where a Minister has given a certificate to the Committee under subsection (1) the Committee may refer the certificate to the Inspector-General of Intelligence and Security.

(7) Within 30 days after the Inspector-General of Intelligence and Security is referred the certificate, the Inspector-General must:

(a) review the certificate and consider:

(i) whether the activity is an ongoing operation; and

(ii) whether it is reasonable to conclude that a review by the Committee would interfere with the proper performance by the relevant body of its functions or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations; and

(b) provide written advice to the Committee setting out the Inspector-General’s opinion in relation to the matters set out in subparagraphs (a)(i) and (ii).

(8) If the Inspector-General advises the Committee under subsection (7) that the activity is not an ongoing operation, or that the review would not cause interference with the proper functioning of the relevant body or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations, the Committee may proceed with the review, or commence a new review into the activity.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 13

Senators—

Bartlett          Hinch          Rhiannon          Steele-John
Di Natale         McKim         Rice             Storer
Griff*            Patrick       Siewert          Whish-Wilson
Hanson-Young
Question negatived.
Bill agreed to and reported without amendment.

----------

On the motion of the Minister for Communications (Senator Fifield) the report from the committee was adopted and the bill read a third time.

10 Investigation and Prosecution Measures Bill 2017
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

----------

In the committee

Bill taken as a whole by leave.
The Assistant Minister for Agriculture and Water Resources (Senator Ruston) moved the following amendments together by leave:

Clause 2, page 2 (table item 3, column 1), omit “Schedule 2”, substitute “Schedules 2 and 3”.

Page 14 (after line 12), at the end of the bill, add:

Schedule 3—Procedure in criminal and civil matters relating to Norfolk Island

Norfolk Island Act 1979
1 Subsection 4(1)

Insert:

civil matter means any matter that may be determined by the Supreme Court other than in the exercise of its criminal jurisdiction.

constable means:
(a) a member or special member of the Australian Federal Police; or
(b) a member of the Police Force of Norfolk Island.
host jurisdiction:
(a) in Subdivision B of Division 1 of Part VIIA—has the meaning given by subsection 60B(3); and
(b) in Division 2 of Part VIIA—has the meaning given by subsection 60P(3).

Magistrate of the Territory means a person appointed as a magistrate under a law in force in the Territory.

prison includes a lock-up or other place of lawful detention.

Registrar means the Registrar, or the Deputy Registrar, of the Supreme Court.

Sheriff means the Sheriff, or the Deputy Sheriff, of the Territory.

2 Section 59
Omit “Subject to regulations referred to in paragraph 67(1)(a),”, substitute “Except as provided under this Act, “.

3 After Part VII
Insert:

Part VIIA—Procedure in criminal and civil matters

Division 1—Criminal matters

Subdivision A—No limitation period on prosecution of sex offences

60A No limitation period on prosecution of sex offences

(1) A prosecution for an offence against a law of the Territory may be commenced at any time after the commission of the offence if that law is listed in Schedule 5.

Note: See section 60M for the meaning of an offence against a law of the Territory.

(2) Subsection (1) applies even if:
(a) but for that subsection, the offence would be subject to a shorter limitation period, including a shorter limitation period that has expired (either before the commencement of this section or before the commencement of the prosecution); or
(b) an immunity from prosecution in relation to the offence has arisen because a shorter limitation period has expired (either before the commencement of this section or before the commencement of the prosecution).

(3) Schedule 5 has effect.

Subdivision B—Hearing criminal matters in another jurisdiction

60B Commonwealth may enter into arrangements with host jurisdictions

(1) The Commonwealth may enter into arrangements with the government or an authority of any of the following for the purposes of the effective application of the provisions of this Subdivision relating to sittings of the Supreme Court in that jurisdiction in the exercise of the Supreme Court’s criminal jurisdiction:
(a) a State;
(b) the Australian Capital Territory;
(c) the Northern Territory.

(2) No power is conferred, or duty or function imposed, on an officer of a State under this Subdivision unless:
   (a) an arrangement has been entered into with the government or an authority of that State under subsection (1); and
   (b) the conferral of the power or imposition of the duty or function is in accordance with that arrangement.

(3) Each of the following is referred to as a host jurisdiction in this Subdivision:
   (a) a State in relation to which an arrangement has been entered into under subsection (1);
   (b) the Australian Capital Territory;
   (c) the Northern Territory.

60C Supreme Court may sit in a host jurisdiction

(1) Subject to this section, the Supreme Court, in the exercise of its criminal jurisdiction, may sit in a host jurisdiction if to do so would not be contrary to the interests of justice.

(2) The Supreme Court may, at any time after prosecution for an offence against a law of the Territory commences and before the jury has returned its verdict, if it is satisfied that the interests of justice require it, order:
   (a) if the trial of the offence has not begun—that the trial be held in a host jurisdiction, and at a time and place, specified in the order; and
   (b) if the trial of the offence has begun—that the trial be discontinued, the jury be discharged and a new trial be held in a host jurisdiction, and at a time and place, specified in the order.

(3) The Supreme Court may make an order under subsection (2) at a sittings of the Court in the Territory or in a host jurisdiction.

(4) The Supreme Court may make an order under subsection (2) at a sittings of the Court in a host jurisdiction whether or not the accused is present but, if the accused is not present, the Court must only make the order if:
   (a) the accused is represented; and
   (b) the Court is satisfied that the accused understands the effect of the order.

(5) Where the Supreme Court makes an order under subsection (2), the Court may order that:
   (a) on the warrant of the Registrar, a Magistrate of the Territory or such other person as the Supreme Court directs (being a person who holds an office in relation to the Court), the accused be removed to the place specified in the order, and held there, for the purposes of the trial of that person and for any related proceedings; and
   (b) on the summons of the Registrar, all persons required to attend to give evidence in the trial or proceedings attend at the place specified in the order.
When exercising its criminal jurisdiction in a host jurisdiction, the Supreme Court has, and may exercise, all the powers that it would have if it were exercising its criminal jurisdiction in the Territory.

A power exercised by the Supreme Court under subsection (6) is taken to have been exercised by the Court at a sittings of the Court in the Territory.

Where the Supreme Court is sitting in a host jurisdiction for the purpose of a trial in that jurisdiction, the Court may, if it is satisfied that the interests of justice require it, order that, for the purpose of viewing a place, or taking evidence from a person, in the Territory, or for a prescribed purpose:

(a) the trial be adjourned for such time as the Court considers reasonable and necessary, and be continued in the Territory for so long as is necessary for that purpose; and
(b) on the warrant of the Registrar, the accused be returned to the Territory for the purposes of the continuation of the trial and any related proceedings; and
(c) the jurors empanelled for the trial go to the Territory and remain there for such time as the Court directs for the purpose of continuing to attend as jurors in the trial.

A person who appears as a witness in the Supreme Court in a trial, or in related proceedings, held wholly or partly in a host jurisdiction, must be paid by the Commonwealth such fees and allowances as would be payable to the person if the person had appeared as a witness in a trial held in the Territory.

Where:

(a) the Supreme Court, when exercising its criminal jurisdiction in a host jurisdiction, makes an order, issues a warrant or summons or gives a judgment; and
(b) a person fails to comply with that order, warrant, summons or judgment; and
(c) that failure would have constituted an offence against a law of the Territory if it had occurred there;
the person commits an offence against this Act punishable by a penalty that is the same as the penalty for the offence referred to in paragraph (c).

60D Juries outside the Territory

(1) Subject to this section and the regulations, the laws in force in a host jurisdiction relating to each of the following:

(a) the qualification of jurors;
(b) the preparation of jury lists and jury panels;
(c) the summoning, attendance and empanelling of juries;
(d) the number of jurors;
(e) the right of challenge;
(f) the discharge of jurors;
(g) the disagreement of jurors;
(h) the remuneration of jurors;
(i) other matters concerning jurors (other than matters dealt with under section 60E) after they have been summoned, appointed or sworn;

that apply for the purposes of the trial of a criminal matter in the Supreme Court of that jurisdiction sitting at a place in that jurisdiction, extend and are to be applied, with such changes as are necessary, for the purposes of the trial of a criminal matter in the Supreme Court of the Territory when sitting at that place.

(2) For the purposes of a trial in the Supreme Court held wholly or partly at a place in a host jurisdiction, the jury list that would be used for the purposes of a criminal trial in the Supreme Court of that jurisdiction sitting in the same place is to be used as well for the purposes of the trial in the Supreme Court of the Territory.

(3) The precept for a jury is to be issued by the Registrar, or such other person holding an office in relation to the Supreme Court as the Court directs, and the Sheriff or such other person as the Court directs must prepare the jury panels and summon jurors.

(4) The person who has custody of the jury list referred to in subsection (2) in the host jurisdiction where the Supreme Court is holding a trial must:
(a) give a copy of that list to the person directed by the Court to prepare a jury panel; and
(b) indicate on that copy the names of the persons who, to that person’s knowledge, would not, if summoned at the time the copy is given, be liable to serve as jurors under the law in force in that jurisdiction.

(5) The Commonwealth must pay any reasonable fee demanded for a copy of a list referred to in paragraph (4)(a).

(6) Any remuneration required to be paid to a person who serves, or is summoned to serve, on a jury in a trial in the Supreme Court held wholly or partly in a host jurisdiction must be paid by the Commonwealth.

(7) Where a law applied by this Act for the purposes of a trial in the Supreme Court requires an act or thing to be done by a person specified in that law, the Court may, if it is necessary to do so for the purpose of the effective application of the law, order that a person who holds a specified office in relation to the Court do that act or thing, and the law is taken to apply to that person accordingly.

(8) The regulations may provide that the provisions of a law referred to in subsection (1) that are specified in the regulations have effect with any modifications specified in the regulations.

(9) In this section, jury list means the roll, list, or book on or in which the names of persons liable to serve as jurors appear.

60E Offences in relation to jurors

(1) A person who is served with a summons to attend as a juror in a trial in the Supreme Court held wholly or partly in a host jurisdiction must not:
(a) fail to attend in accordance with the summons; or
(b) having so attended, withdraw from the presence of the Court, without the permission of the Sheriff, before being discharged or excused by a judge of the Court or the Sheriff.

Penalty: Imprisonment for 1 month.

(2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the Criminal Code (Commonwealth)).

(3) A person must not impersonate a person who is a juror with the intention of sitting on a jury.

Penalty: Imprisonment for 6 months.

(4) A person must not:

(a) engage in conduct that results in the corruption of a juror; or

(b) make or promise a payment to a juror, or confer or promise to confer any other benefit on a juror in relation to the person’s service as a juror, other than a payment of the ordinary remuneration of the juror’s employment; or

(c) being a juror, accept such a payment or benefit.

Penalty: Imprisonment for 5 years.

(5) In this section:

juror includes a person whose name is on a jury panel.

60F Removal of accused to host jurisdiction to stand trial

(1) Where the Supreme Court makes an order under paragraph 60C(5)(a) in relation to an accused, the Registrar, a Magistrate of the Territory or a person directed by the Court under that paragraph, may:

(a) by warrant directed to all constables, require them to convey the accused in custody from the Territory to the prison specified in the warrant and to deliver the accused into the custody of the officer for the time being in charge of that prison; and

(b) by warrant directed to that officer, require that officer to detain the accused in that prison under this section.

(2) A warrant directed to all constables may be executed by any constable.

(3) An accused delivered into custody at a prison in a host jurisdiction under a warrant under subsection (1) may, subject to any order of the Supreme Court, be detained in that prison or any other prison in that jurisdiction for so long as the accused’s detention is necessary for the execution of the order.

(4) An accused may, while in custody, be dealt with in the same manner, and is subject to the same laws, as if the warrant issued under subsection (1) had been issued under a law in force in the host jurisdiction relating to holding persons in custody pending the trial of those persons.

(5) The Commonwealth is to pay to the host jurisdiction the reasonable expenses of maintaining an accused detained in a prison under a warrant under subsection (1).
60G Accused to be conveyed to Court

(1) Where an accused has been removed to a host jurisdiction under this Act, a judge of the Supreme Court may order that the accused be conveyed to the Court for the purposes of trial in that jurisdiction, and any related proceedings.

(2) Where a judge of the Supreme Court makes an order under subsection (1), the person who has the custody of the accused must release the accused to a constable to enable the accused to be conveyed to the Court in accordance with that order.

60H Return of accused to Territory

(1) Where the Supreme Court makes an order under paragraph 60C(8)(b), the Registrar may, by warrant directed to all constables, require them to convey the accused in custody from the host jurisdiction in which the Court made the order to the prison in the Territory specified in the warrant and to deliver the accused into the custody of the officer for the time being in charge of that prison.

(2) A warrant referred to in subsection (1) may be executed by any constable.

60J Person taken to be prisoner under Removal of Prisoners (Territories) Act 1923

(1) This section applies if:

(a) a person has been tried in relation to an indictable offence against a law of the Territory by the Supreme Court sitting in a host jurisdiction; and

(b) the person is convicted of that offence and sentenced to imprisonment.

(2) The person is taken:

(a) to be a prisoner within the meaning of the Removal of Prisoners (Territories) Act 1923; and

(b) to have been removed to that jurisdiction under that Act.

(3) The provisions of that Act apply (so far as they are capable of applying) in relation to the person accordingly.

60K Person taken to be criminal lunatic under Removal of Prisoners (Territories) Act 1923

(1) This section applies if a person who has been removed to a host jurisdiction under this Act:

(a) is found to have been insane at the time of the commission of the offence; or

(b) is found or certified, or otherwise lawfully proved, to be unfit, on the ground of insanity, to be tried for the offence; or

(c) is convicted of an offence and afterwards certified, or otherwise lawfully proved, to be insane.

(2) The person is taken:

(a) to be a criminal lunatic within the meaning of the Removal of Prisoners (Territories) Act 1923; and
(b) to have been removed to that jurisdiction under that Act.

(3) Sections 9 and 10A of that Act apply (so far as they are capable of applying) in relation to the person accordingly.

60L. **Repatriation of person tried in a host jurisdiction**

Where:

(a) a person has been removed to a host jurisdiction under this Act; and

(b) the trial of the person in the Supreme Court sitting in that jurisdiction has concluded; and

(c) the person is acquitted (other than on the ground of insanity) or is not, after the date on which the trial concludes, required to serve a sentence of imprisonment;

the Commonwealth must, on application by the person to the Secretary, provide the person with means to enable the person to return to the Territory.

Subdivision C—Historical offences, conduct and engaging in conduct

60M. **Historical offences**

In this Division, a reference to an offence against a law of the Territory:

(a) includes a reference to an offence against a law in force in the Territory at the time the conduct constituting the offence is alleged to have occurred; and

(b) includes a reference to an offence against a law mentioned in paragraph (a), even if that law has subsequently been amended or repealed.

60N. **Meanings of conduct and engage in conduct**

In this Division:

*conduct* has the same meaning as in the Commonwealth’s *Criminal Code*.

*engage in conduct* has the same meaning as in the Commonwealth’s *Criminal Code*.

Division 2—Civil matters

60P. **Commonwealth may enter into arrangements with host jurisdictions**

(1) The Commonwealth may enter into arrangements with the government or an authority of any of the following for the purposes of the effective application of the provisions of this Division relating to sittings of the Supreme Court in that jurisdiction in the exercise of the Supreme Court’s jurisdiction in civil matters:

(a) a State;

(b) the Australian Capital Territory;

(c) the Northern Territory.

(2) No power is conferred, or duty or function imposed, on an officer of a State under this Division unless:

(a) an arrangement has been entered into with the government or an authority of that State under subsection (1); and
(b) the conferral of the power or imposition of the duty or function is in accordance with that arrangement.

(3) Each of the following is referred to as a host jurisdiction in this Division:
   (a) a State in relation to which an arrangement has been entered into under subsection (1);
   (b) the Australian Capital Territory;
   (c) the Northern Territory.

**60Q Supreme Court may sit in a host jurisdiction**

(1) The Supreme Court, in the exercise of its jurisdiction in civil matters, may sit in a host jurisdiction under this section if to do so would not be contrary to the interests of justice.

(2) If a civil matter is before the Supreme Court for hearing at a sitting of the court, the court may order that the hearing of the matter be adjourned and continued at a sitting of the court in a host jurisdiction, and at a time and place, specified in the order.

(3) If a civil matter is not before the Supreme Court for hearing, a Judge may order that the matter be heard or continued at a sitting of the court in a host jurisdiction, and at a time and place, specified in the order.

(4) When exercising its jurisdiction in a civil matter in a host jurisdiction, the Supreme Court has, and may exercise, all the powers that it would have if it were exercising its jurisdiction in that matter in the Territory.

(5) A power exercised by the Supreme Court under subsection (4) is taken to have been exercised by the Court at a sittings of the Court in the Territory.

(6) A person who appears as a witness in the Supreme Court in the hearing of a civil matter, or in related proceedings, held wholly or partly in a host jurisdiction, must be paid by the Commonwealth such fees and allowances as would be payable to the person if the person had appeared as a witness in the hearing of the matter held in the Territory.

(7) Where:
   (a) the Supreme Court, when exercising its jurisdiction in a civil matter in a host jurisdiction, makes an order, issues a warrant or summons or gives a judgment; and
   (b) a person fails to comply with that order, warrant, summons or judgment; and
   (c) that failure would have constituted an offence against a law of the Territory if it had occurred there;

the person commits an offence against this Act punishable by a penalty that is the same as the penalty for the offence referred to in paragraph (c).
(8) An order made under subsection (2) or (3) to hear or continue a matter in a host jurisdiction may:
(a) if the matter is before the Supreme Court for hearing at a sitting of the court—be revoked by the court and replaced with an order that the hearing of the matter be adjourned and continued at a sitting of the court in the Territory, and at a time and place, specified in the order; and
(b) if the matter is not before the Supreme Court for hearing—be revoked by a judge of the Court and replaced with an order that the matter be heard or continued at a sitting of the court in the Territory, and at a time and place, specified in the order.

(9) An order (made under subsection (8) or otherwise) to hear or continue a civil matter at a sitting of the Supreme Court in the Territory may be revoked and be replaced with an order under subsection (2) or (3).

4 Paragraph 67(a)
Repeal the paragraph, substitute:
(a) prescribing circumstances in which the prosecution for an offence against a law of the Territory (as defined for the purposes of Division 1 of Part VIIA) is taken to have commenced for the purposes of subsection 60C(2); and

5 At the end of the Act
Add:
Schedule 5—No limitation period on prosecution of sexual offences
Note: See section 60A.

1 Offences against certain provisions of the Crimes Act 1900 of Norfolk Island
(1) Each of the following provisions of the Crimes Act 1900 of Norfolk Island is listed for the purposes of section 60A:
(a) sections 62 to 81;
(b) sections 86 to 91D;
(c) a provision of Part IIIA;
(d) a provision of Part IX, as it relates to an offence against one of the provisions mentioned in paragraphs (a) to (c).

(2) In this clause:
Crimes Act 1900 of Norfolk Island means the Crimes Act 1900 of the State of New South Wales, as amended before 16 December 1936 and applied in Norfolk Island, subject to any modifications made from time to time under laws that were in force in the Territory before 1 January 2008.

2 Offences against the Criminal Code of Norfolk Island
(1) Each provision of the following Parts of the Criminal Code of Norfolk Island is listed for the purposes of section 60A:
(a) Part 3.6;
(b) Part 3.7;
(c) Part 3.9;
(d) Part 3.10;
Part 2.4, as it relates to an offence against any provision of one of the Parts mentioned in paragraphs (a) to (d).

(2) In this clause:

*Criminal Code of Norfolk Island* means the *Criminal Code 2007* of Norfolk Island, as in force from time to time on and after 1 January 2008.

6 Application of amendments

**Trial of criminal matters**

(1) To avoid doubt, Subdivision B of Division 1 of Part VIIA of the *Norfolk Island Act 1979*, inserted by item 3 of this Schedule, applies in relation to the trial of an offence even if the trial has begun before the Subdivision commences.

**Hearing civil matters**

(2) An order that was made under a provision of the *Norfolk Island Regulations 2017* (the *Regulations*) described in column 1 of an item of the following table and was in force immediately before the commencement of Division 2 of Part VIIA of the *Norfolk Island Act 1979* (the *Act*), inserted by item 3 of this Schedule, has effect on and after that commencement as if it were an order described in column 2 of the item.

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An order under section 8 of the Regulations</td>
<td>An order under subsection 60Q(2) of the Act</td>
</tr>
<tr>
<td>2</td>
<td>An order under subparagraph 9(a)(i) of the Regulations</td>
<td>An order under subsection 60Q(3) of the Act</td>
</tr>
<tr>
<td>3</td>
<td>An order under subparagraph 9(a)(ii) of the Regulations</td>
<td>An order under paragraph 60Q(8)(b) of the Act</td>
</tr>
</tbody>
</table>

Explanatory memorandum: Senator Ruston tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Debate ensued.

Question—That the amendments be agreed to—put and passed.

Bill, as amended, agreed to and reported with amendments.

On the motion of Senator Ruston the report from the committee was adopted and the bill read a third time.

11 **Communications Legislation Amendment (Regional and Small Publishers Innovation Fund) Bill 2017**

Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
Senator O’Neill moved the following amendment:
At the end of the motion, add “but the Senate:
(a) notes that the Regional and Small Publishers Innovation Fund was agreed by the Turnbull Liberal Government as part of a back-room deal with the then Nick Xenophon Team in exchange for support for the repeal of the 2 out of 3 cross-media control rule in 2017;
(b) notes that the Government’s disastrous record on media diversity and public interest journalism includes:
   (i) removal of a key media diversity safeguard which prevented even greater consolidation in Australia’s already highly concentrated media sector, with the repeal of the 2 out of 3 cross-media control rule,
   (ii) budget cuts of hundreds of millions of dollars from the Australian Broadcasting Corporation (ABC) and Special Broadcasting Service, which are trusted sources of investigative journalism in Australia,
   (iii) pushing community television off the broadcast platform to an online delivery model without an adequate transition period,
   (iv) threatening journalists with criminal sanctions simply for doing their jobs under the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017, and
   (v) policy inaction in the face of the loss of more than 3000 journalism jobs in Australia over the past five years;
(c) notes that media diversity and support for public interest journalism are not mutually exclusive and that Australia needs both;
(d) calls on the Government to stop actively undermining media diversity and public interest journalism in Australia;
(e) calls on the Turnbull Government to drop its destructive attack on the ABC; and
(f) calls on the Government to support media diversity and public interest journalism in Australia”.
Debate ensued.
At 12.45 pm: Debate was interrupted while Senator Urquhart was speaking.

12 Senators’ statements
Senators made statements.

At 2 pm—

13 Questions
Questions without notice were answered.

14 Motions to take note of answers
Senator Carr moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today relating to the 2018-19 Budget.
Debate ensued.
Question put and passed.
The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Di Natale today relating to proposed personal income tax cuts.
Question put and passed.

15 Notices
Senator Bartlett: To move on the next day of sitting—That there be laid on the table by the Assistant Minister for Science, Jobs and Innovation, by no later than 10 am on 5 June 2018:

(a) all documents relating to the Commonwealth Scientific and Industrial Research Organisation’s (CSIRO) involvement in the Genetic Control of Invasive Rodents Program (GBIRd), except those documents that are already public documents;
(b) all correspondence between CSIRO staff and the Australian Academy of Science regarding its report on gene drives; and
(c) all documents relating to CSIRO’s Australian Stakeholder/Community/Public Engagement Plan on synthetic biology. (general business notice of motion no. 812)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—

(a) acknowledges that on 15 May, many in Israel will be celebrating the creation of the State of Israel, while at the same time Palestinians commemorate the Nakba, where in 1948 hundreds of thousands of Palestinians were displaced and lost their homes, and many were killed;
(b) notes that even as 2018 marks the 70th anniversary of the State of Israel, it also marks the 70th anniversary of the Nakba, and millions of Palestinians continue to suffer, living under occupation or as refugees;
(c) expresses deep concern that at least 43 unarmed and peaceful Palestinian protesters have reportedly been killed by Israeli forces since the end of March on the border of Gaza, including four minors and two journalists;
(d) welcomes the fact that six Israeli human rights groups are challenging the Israeli military’s actions in court;
(e) expresses further deep concern at Palestinian President Abbas’ recent anti-Semitic comments; and
(f) calls on the Federal Government and the Opposition to:
   (i) recognise the State of Palestine alongside a safe and secure State of Israel,
   (ii) condemn the Israeli military’s excessive use of force against Palestinians exercising their legitimate and important right to engage in non-violent protest, and
   (iii) condemn anti-Semitism in all its forms. (general business notice of motion no. 813)
Senator Singh: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) in 1948, the UN General Assembly, in resolution 57/129, designated 29 May as the International Day of UN Peacekeepers,
(ii) in acknowledgement of its 70th anniversary, the theme for 2018 is ‘UN Peacekeeping: 70 years of Service and Sacrifice’,
(iii) UN peacekeeping is a collective investment in global peace, security and stability and has developed as a dynamic instrument to assist countries torn by conflict to create conditions for lasting peace,
(iv) this day:
   (A) honours the memory of those who have lost their lives, serving under the UN flag, in the cause of peace, and
   (B) pays tribute to the professionalism, dedication and courage of all men and women who continue to serve in peacekeeping operations,
(v) UN peacekeepers protect civilians, make efforts to prevent conflict, reduce violence, strengthen security and empower national authorities to assume these responsibilities by aiding them in creating sustainable frameworks for long-term peace,
(vi) in the period of 70 years, more than one million men and women have served in 57 completed peacekeeping operations and 14 ongoing operations, helping countries transition from a state of war to peace,
(vii) UN peacekeeping operations receive contributions of military, police personnel and equipment from 124 member-states, including Australia,
(viii) Australian peacekeepers are currently serving in the Middle East UN Truce Supervision Organisation (UNTSO) and the UN Mission in the Republic of South Sudan (UNMISS), and
(ix) Australia’s contribution to UN peacekeeping contribution is ranked 81, with about 32 personnel deployed to missions,

(b) appreciates the efforts of UN peacekeepers for their commitment to maintaining global peace and stability; and

(c) urges the Australian Government to continue participating in UN peacekeeping missions and, where possible, increase the number of personnel deployed to assist in training and ongoing peacekeeping efforts around the world. (general business notice of motion no. 814)

Senator Rice: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) 17 May 2018 is International Day against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT), and
(ii) IDAHOBIT is an opportunity to acknowledge the discrimination, exclusion and violence that lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people still face in Australia and overseas; and

(b) calls on all parliamentarians to:

(i) condemn all forms of violence and discrimination against LGBTIQ people,
(ii) acknowledge the resilience and strength of LGBTIQ people, and
(iii) affirm and celebrate the many and varied contributions of LGBTIQ people in Australia and overseas. (general business notice of motion no. 815)

Senators Griff and McCarthy: To move on the next day of sitting—That the Senate—

(a) wishes Ms Jessica Mauboy every success when she competes in the second semi-final of the 53rd edition of the Eurovision Song Contest, and that she goes on to win the final on 13 May 2018 (Australian time);

(b) notes that this year’s Eurovision Song Contest is in Lisbon, Portugal with the theme ‘All Aboard!’ which invites the international community, connected by oceans, to come together for this year’s contest;

(c) acknowledges:
   (i) Ms Mauboy is an important role model for all young Australians, especially for Aboriginal and Torres Strait Islander young peoples,
   (ii) Ms Mauboy is a strong supporter of, and ambassador for, the Indigenous Literacy Foundation, understanding the challenges and barriers to literacy experienced by Aboriginal and Torres Strait Islander children in remote communities,
   (iii) Ms Mauboy is also one of Australia’s most successful Australian artists, achieving five top 10 albums, fifteen Top 20 hit singles, four ARIA accredited platinum selling albums, and making ARIA chart history being the first Indigenous woman to achieve three consecutive weeks at number 1,
   (iv) Ms Mauboy exemplifies Australia’s diverse cultural heritage,
   (v) Ms Mauboy’s family originates from the KuKu Yalanji people of Far North Queensland and West Timor, and
   (vi) Ms Mauboy’s selection as Australia’s representative at Eurovision 2018 as a proud young Indigenous Australian is a celebration of Australia’s cultural diversity;

(d) congratulates SBS for televising the Eurovision Song Contest for 35 years – in 2017, the SBS coverage of the Eurovision Song Contest reached 2.8 million viewers, entertaining many Australians and providing a connection to countries from which many Australians have emigrated; and

(e) encourages all Australians to watch, enjoy and vote in the Eurovision Song Contest 2018, and wish Ms Mauboy well. (general business notice of motion no. 816)

Senators Moore and O’Neill: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) 20 to 27 May 2018 is Schizophrenia Awareness Week,
   (ii) people affected by serious mental illness, in particular psychotic illness, are among the most highly stigmatised and socially marginalised people in Australia, with nearly a quarter of people feeling isolated, and over 13% report having no friends at all,
   (iii) people with schizophrenia are 12 times more likely to die from suicide than the general population,
   (iv) factors that play a very important role in influencing recovery from schizophrenia include family relationships, treatment adherence, supportive therapeutic relationships, and access to community support, and
(v) we all have a role to play to ‘Do What We Can Do’ to build inclusive communities; and

(b) calls on all governments in Australia to secure funding for recovery-oriented mental health services, in both hospital and community settings, as agreed to in the Fifth National Mental Health and Suicide Prevention Plan. (general business notice of motion no. 817)

Senators Bushby and O’Neill: To move on the next day of sitting—That the Senate—

(a) notes that:
(i) World MS Day takes place on 30 May 2018 with the theme ‘Research’, and
(ii) MS Research Australia seeks to raise awareness of the need for increased funding to accelerate Australian research targeting prevention, better treatments and a cure for Multiple Sclerosis (MS);

(b) recognises that:
(i) MS is the most commonly acquired neurological condition diagnosed in young adults,
(ii) it is most commonly diagnosed between the ages of 20 and 40, and 75% of people diagnosed are women, and
(iii) there is no known cause or cure;

(c) acknowledges the important role of the Australian Government in funding research into MS through the National Health and Medical Research Council, the Medical Research Future Fund and in making MS medicines affordable through the Pharmaceutical Benefits Scheme; and

(d) confirms the need for continued action to:
(i) invest in research to find the cause of, and a cure for, MS,
(ii) invest in MS research in Australia to ensure leading world-class researchers remain attracted to this field of research and conduct their work here in Australia,
(iii) encourage the critical importance of early diagnosis and early treatment onto an effective therapy overseen by an expert in MS, and
(iv) encourage people with MS to adopt a brain-healthy lifestyle by taking their prescribed medicines, avoiding smoking, reducing alcohol intake, keeping active, keeping weight under control and keeping their minds active. (general business notice of motion no. 818)

Senator Steele-John: To move on the next day of sitting—That the Senate—

(a) notes that:
(i) 13 May 2018 is the start of Privacy Awareness Week, with the theme ‘from principles to practice’;
(ii) 2018 marks 30 years of the Privacy Act 1988,
(iii) in 2013, the UN General Assembly affirmed that the rights held by people offline must also be protected online, and it called on all states to respect and protect the right to privacy in digital communication,
(iv) on 25 May 2018, the European Union’s General Data Protection Regulation (GDPR) will come into effect, for all companies that hold data within or as a result of doing business with citizens of the European Union,
(v) the GDPR represents current best practice regarding standards for the protection of data, as it is consent-based and gives individuals the rights of access, erasure, and transfer of their personal data, and

(vi) under the Privacy Act 1988, the Government’s agenda of surveillance, and the rise of surveillance capitalism, young Australians might never be able to exercise their right to privacy and live their lives free from surveillance, interference of their communications, and where they are not merely reduced to marketable and malleable data points; and

(b) calls on the Government to:

(i) consider the impact of Australia’s insufficient and out-dated privacy laws on all Australians, including children and young people, and

(ii) look to the GDPR as a model of international best practice for privacy protections for Australians. (general business notice of motion no. 819)

Senator McCarthy: To move on the next day of sitting—That the Senate—

(a) acknowledges the passing of Dr G Yunupingu and extends its deepest sympathies to his family, friends, colleagues and the Yolngu people;

(b) applauds his contribution to Australian music;

(c) acknowledges that his album Djarimirri (Child of the Rainbow) has become the first album in Australian history recorded in an Indigenous language to reach number one on the ARIA charts; and

(d) notes that the names of the songs listed on Djarimirri are as follows:

   Waak (Crow)
   Galiku (Flag)
   Ngarrpiya (Octopus)
   Djarimirri (Child of the Rainbow)
   Djoljin (Musical Instrument)
   Marrayarr (Flag)
   Gapu (Freshwater)
   Djilawurr (Scrubfowl)
   Baru (Saltwater Crocodile)
   Gopuru (Tuna Swimming)
   Djapana (Sunset)
   Wulminda (Dark Clouds). (general business notice of motion no. 820)

Senators Rhiannon and Hinch: 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 the long-haul export of live sheep, and for related purposes. Animal Export Legislation Amendment (Ending Long-haul Live Sheep Exports) Bill 2018. (general business notice of motion no. 821)

Senator Griff: To move on the next day of sitting—That the Senate—

(a) notes that:

   (i) National Pro Bono Day is celebrated on 15 May 2018 and raises funds for legal aid clearing houses across Australia,

   (ii) legal aid services provide an essential service and strive to ensure that all citizens, not just the wealthy, have equal access to justice,
however, due to a lack of resources, an excessively restrictive means test remains in place and consequently tens of thousands of people are not eligible for legal aid funding:

(A) only a tiny proportion of the population are eligible for legal aid funding, and
(B) 14% of the population live below the poverty line in Australia, but only 6% of those below the line would actually qualify for legal aid, and

(iv) the Federal Government contribution to legal aid has, in real terms, fallen to its lowest level in 20 years:

(A) in 1996-97, the Government contributed $11.57 per capita but by 2017-18, that figure had fallen to $8.40,
(B) this is forecast to decline further to $7.78 in 2019-20,
(C) the Federal Government’s share of legal aid funding has fallen from 55% in 1996-97 to 32% in 2017-18, and
(D) a return to a 50% share would have required an investment of $190 million in this year’s Budget – this did not occur;

(b) acknowledges the valuable work undertaken by legal aid providers and those who volunteer their time on a pro bono basis;
(c) calls on all senators to become supporters of legal aid and participate in their local ‘Walk for Justice’ event on National Pro Bono Day; and
(d) calls on the Government to reverse the downward trend in legal aid funding.

(Senator McAllister: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 14 August 2018:

The financial and tax practices of for-profit aged care providers, with particular reference to:

(a) the use of any tax avoidance or aggressive tax minimisation strategies;
(b) the associated impacts on the quality of service delivery, the sustainability of the sector, or value for money for government;
(c) the adequacy of accountability and probity mechanisms for the expenditure of taxpayer money;
(d) whether current practices meet public expectations; and
(e) any other related matters.

(Senator Ketter: To move on the next day of sitting—That the order of the Senate of 15 November 2017, and varied on 16 November 2017, relating to the hearings for the 2018-19 Budget estimates, be further amended as follows:

Omit paragraph (1), substitute:

(1) That estimates hearings by legislation committees for 2018 be scheduled as follows:

2017-18 additional estimates:

Monday, 26 February and Tuesday, 27 February (Group A)
Wednesday, 28 February and Thursday, 1 March (Group B).

2018-19 Budget estimates:

Monday, 21 May to Thursday, 24 May, and, if required, Friday, 25 May (Group A)
Tuesday, 29 May to Friday, 1 June, and, if required, Friday, 22 June (Group B, except for the Economics Legislation Committee)
Monday, 22 October and Tuesday, 23 October (supplementary hearings—Group A)
Wednesday, 24 October and Thursday, 25 October (supplementary hearings—Group B).

(1A) Estimates hearings of the Economics Legislation Committee for the 2018-19 Budget estimates be scheduled as follows:

(a) departments and agencies in the Treasury portfolio on Tuesday, 29 May, Wednesday, 30 May and Thursday, 31 May 2018; and
(b) departments and agencies in the Jobs and Innovation (Industry, Innovation and Science) portfolio on Wednesday, 13 June and Thursday, 14 June 2018. (general business notice of motion no. 823)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee into the obesity epidemic in Australia, be established on 16 May 2018 to inquire into and report on 14 August 2018, on the following matters:

(a) the prevalence of overweight and obesity among children in Australia and changes in these rates over time;
(b) the causes of the rise in overweight and obesity in Australia;
(c) the short and long-term harm to health associated with obesity, particularly in children in Australia;
(d) the short and long-term economic burden of obesity, particularly related to obesity in children in Australia;
(e) the effectiveness of existing policies and programs introduced by Australian governments to improve diets and prevent childhood obesity;
(f) evidence-based measures and interventions to prevent and reverse childhood obesity, including experiences from overseas jurisdictions;
(g) the role of the food industry in contributing to poor diets and childhood obesity in Australia; and
(h) any other related matters.

(2) That the committee consist of seven senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, one nominated by the Leader of the Australian Greens and two nominated by minority groups and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Australian Greens or any minority party or independent senator;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair a member nominated by the Leader of the Australian Greens and, as deputy chair, a member nominated by the Leader of the Opposition in the Senate.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(10) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President of the Senate.

(11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 824)

Senator Siewert: To move on the next day of sitting—That the Senate—

(a) recognises that single rates of unemployment payments are completely inadequate to cover basic living costs;

(b) acknowledges that our social safety net currently fails to protect jobseekers from falling into poverty;

(c) notes that:

(i) the Australian Council of Social Service has called for an increase of $75 a week to allowance payments for single people from 1 January 2019, and

(ii) the 2018-19 Budget did not increase any allowance payments, including Newstart and Youth Allowance; and

(d) urges the Federal Government to increase the single rate of Newstart and Youth Allowance by $75 a week. (general business notice of motion no. 825)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 2 sitting days after today for the disallowance of the Commercial Broadcasting (Tax) (Individual Transmitter Amounts) Determination 2017 [F2017L01375].
16 **Political Influence of Donations—Select Committee—Leave to meet during sitting**

Senator Siewert, by leave and at the request of the Chair of the Select Committee into the Political Influence of Donations (Senator Di Natale), moved—that the Select Committee into the Political Influence of Donations be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

17 **Postponement**

The Clerk informed the Senate that Senator Hanson-Young had lodged a postponement notification in respect of business of the Senate notice of motion no. 1 standing in her name for today, proposing the disallowance of the Basin Plan Amendment (SDL Adjustments) Instrument 2017.

Pursuant to standing order 67, the Assistant Minister to the Prime Minister (Senator McGrath) requested that the question for the postponement be put.

Question—that business of the Senate notice of motion no. 1 be postponed to 10 May 2018—put.

The Senate divided—

<table>
<thead>
<tr>
<th>AYES</th>
<th>Senators—</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Bartlett</td>
</tr>
<tr>
<td></td>
<td>Di Natale</td>
</tr>
<tr>
<td></td>
<td>Griff</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES</th>
<th>Senators—</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>Abetz</td>
</tr>
<tr>
<td></td>
<td>Anning</td>
</tr>
<tr>
<td></td>
<td>Bernardi</td>
</tr>
<tr>
<td></td>
<td>Bilyk</td>
</tr>
<tr>
<td></td>
<td>Birmingham</td>
</tr>
<tr>
<td></td>
<td>Brockman</td>
</tr>
<tr>
<td></td>
<td>Brown</td>
</tr>
<tr>
<td></td>
<td>Burston</td>
</tr>
<tr>
<td></td>
<td>Bushby</td>
</tr>
<tr>
<td></td>
<td>Cameron</td>
</tr>
<tr>
<td></td>
<td>Canavan</td>
</tr>
<tr>
<td></td>
<td>Carr</td>
</tr>
</tbody>
</table>

*Tellers

Question negatived.

18 **Income support**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 801—that the Senate—

(a) notes that the Government intends to charge interest on income support debts;

(b) recognises that income support recipients often accrue debts through no fault of their own;

(c) considers this is a sledge-hammer approach and will disproportionately hurt Australians who have made a mistake or do not owe a debt at all; and
(d) urges the Federal Government to abandon this punitive approach and instead focus on measures that will decrease inequality and poverty.

Statement by leave: Senator Chisholm, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 11

Senators—

Bartlett  Hanson-Young  Rhiannon  Steele-John
Di Natale  McKim  Rice  Whish-Wilson
Griff  Patrick  Siewert*

NOES, 48

Senators—

Abetz  Chisholm  Ketter  Paterson
Anning  Colbeck  Kitching  Payne
Bernardi  Collins  Leyonhjelm  Pratt
Bilyk  Dodson  Lines  Reynolds
Birmingham  Duniam  Marshall  Ruston
Brockman  Fawcett  McAllister  Ryan
Brown  Gallacher  McCarthy  Smith
Burston  Georgiou  McGrath  Sterle
Bushby  Gichuhi  Molan  Stoker
Cameron  Hinch  Moore  Urquhart*
Canavan  Hume  O’Neill  Watt
Carr  Keneally  O’Sullivan  Williams

* Tellers

Question negatived.

19 Postponement

Senator McKim, by leave, moved—That business of the Senate notice of motion no. 2 standing in his name for today, proposing the disallowance of the Social Security (Assurances of Support) Determination 2018, be postponed till the first day in the next period of sittings, 18 June 2018.

Question put and passed.

20 Israel

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—That the Senate—

(a) notes that:

(i) in his address on 30 April 2018 to the Palestinian National Council in Ramallah, the Chairman of the Palestinian Authority, Mahmoud Abbas, included the following statements:

‘The Jews who moved from Eastern and Western Europe had been subjected to a massacre by one country or another every 10-15 years, since the 11th century and until the Holocaust in Germany. Okay? But why was this happening?

...the reason for the hatred of the Jews is not their religion but their function in society. That is a different issue.
So the Jewish question, which was prevalent in all European countries, the anti-Jewish (sentiment) was not because of their religion, but because of their function in society, which had to do with usury, banks, and so on.

You may or may not know this, in 1933, one month after Hitler’s rise to power, there was an agreement between the German Ministry of Economics and the Jewish Anglo-Palestinian Bank in Jerusalem. They agreed that any German Jew who wants to emigrate to Palestine could have his movable and immovable property transferred to Palestine.

Did Hitler love the Jews to such a degree? Any Jew who wanted to emigrate to Palestine was entitled to receive all his property, both moveable and immovable.

... So their narrative about coming to this country because of their longing for Zion, or whatever -- we’re tired of hearing this. The truth is that this is a colonialist enterprise, aimed at planting a foreign body in this region...

(ii) these statements by Mahmoud Abbas, which relied upon quotes from Karl Marx, Josef Stalin and Isaac Deutscher, are historically incorrect, and

(iii) the Holocaust resulted from the Nazi belief that Jewish existence must be totally eliminated everywhere -- in May 1941, Hitler said, ‘Germany’s goal will be the extermination of the Jews who reside in Arab territories under British rule’;

(b) condemns this anti-Semitic speech as historically inaccurate and incompatible with the aims of the peace process and two-state solution between Israel and Palestinians; and

(c) calls on the Government to support the State of Israel as a democratic nation governed by the rule of law having a legitimate right to exist.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

21 Foreign Affairs, Defence and Trade—Joint Standing Committee—Extension of time to report

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Fawcett) amended general business notice of motion no. 807 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the time for the presentation of the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade on its inquiry into PFAS contamination be extended to 23 August 2018.

Question put and passed.
22 Routine of business—First speeches
The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Education and Training (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:
(a) Wednesday, 9 May 2018—Senator Storer; and
(b) Wednesday, 20 June 2018—Senator Stoker.
Question put and passed.

23 Legislation committees—References
The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Education and Training (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That—
(1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 10 May 2018 and up to and including 31 May 2018 that contain substantive provisions commencing on or before 1 July 2018 (together with the provisions of any related bill) are referred to committees for inquiry and report by 18 June 2018.
(2) The committee to which each bill is referred shall be determined in accordance with the order of 31 August 2016, as amended, allocating departments and agencies to standing committees.
(3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.
(4) This order does not apply in relation to bills which contain:
(a) no provisions other than provisions appropriating revenue or moneys (appropriation bills); and
(b) commencement clauses providing only for the legislation to commence on Royal Assent.
Question put and passed.

24 70th World Health Assembly on Cancer Prevention and Control—Resolution
Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—That the Senate—
(a) notes the resolution of the 70th World Health Assembly on Cancer Prevention and Control in the context of an integrated approach;
(b) expresses its support for the resolution and for global co-operative efforts to reduce the incidence and mortality of cancer; and
(c) urges the Australian Government to:
(i) consider and, where appropriate, implement the actions the resolution calls upon member states to implement, and
(ii) where appropriate, support the Director-General of the World Health Organization in implementing the actions the resolution calls upon him to implement.

Question put and passed.

25 National Broadband Network—Order for production of documents
Senator Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 793—That—
(a) the Senate notes that:
(i) in its response to question on notice no. 197 from the October supplementary estimates, NBN Co provided breakdowns on the number of premises expected to be ready for service in each state by 2020, broken down by technology type, as well as the number of premises expected to be in design and construction in each state by 2020, broken down by technology type,
(ii) the Senate asked for an update to this information as question on notice no. 145 at the 2018 additional estimates hearings,
(iii) NBN Co responded to question on notice no. 145 with reference only to its response to question on notice no. 197 from the 2017-18 supplementary Budget estimates and to other public documents that do not contain the specific information sought,
(iv) the Senate sought a clarification of NBN Co’s response to question on notice no. 145 on 24 April 2018 and requested a response by 4 May 2018, and
(v) the NBN Co response has not been received; and
(b) there be laid on the table by the Minister for Communications, by 9.30 am on 10 May 2018, an updated response with information current to 13 March 2018.

Question put and passed.

26 Criminal Code and Other Legislation Amendment (Removing Commonwealth Restrictions on Cannabis) Bill 2018
Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 794—That the following bill be introduced:

A Bill for an Act to remove Commonwealth restrictions on cannabis, and for related purposes.

Question put and passed.

Senator Leyonhjelm presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Leyonhjelm moved—That this bill be now read a second time.

*Explanatory memorandum:* Senator Leyonhjelm, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Leyonhjelm in continuation.
27 Death of Mr Stuart Devlin, AO, CMG
Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 795—That the Senate—

(a) notes:

(i) the passing of Mr Stuart Devlin, AO, CMG on 12 April 2018,
(ii) that Mr Devlin was born in Geelong and designed Australia’s decimal coins that were released into circulation in February 1966,
(iii) that Mr Devlin designed coins for thirty other countries, as well as medals and coins for the Sydney 2000 Olympic Games, and the medals for the founding awards of the Australian Honours System,
(iv) that Mr Devlin also designed furniture, jewellery and tableware,
(v) that, in 1982, Mr Devlin was appointed goldsmith and jeweller to the Queen,
(vi) that, amongst his numerous awards and honours, in 1980, he was named a Companion of the Order of St. Michael and St. George and, in 1988, Officer of the Order of Australia,
(vii) that, in 2011, Mr Devlin was named Australian of the Year in the United Kingdom, and
(viii) that the Duke of Edinburgh, Prince Philip, described Mr Devlin as ‘probably the most original and creative goldsmith and silversmith of his time, and one of the greats of all time’; and

(b) extends its condolences to his family.
Question put and passed.

28 Motor Neurone Disease Awareness Week
Senator Urquhart, at the request of Senator Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—That the Senate—

(a) notes:

(i) that Australia’s Motor Neurone Disease (MND) Awareness Week will be held from 6 to 12 May 2018,
(ii) that MND describes a disease in which the nerve cells in the brain and spinal cord that control walking, talking, eating, swallowing, and breathing progressively die – MND is also known as Amyotrophic Lateral Sclerosis or Lou Gehrig’s disease,
(iii) that life expectancy of a person diagnosed with MND is short, being less than 3 years,
(iv) that, at present, two Australians are diagnosed with MND and two die from the disease every day – an estimated 420,000 are living with MND across the world,
(v) the importance in raising awareness that MND has no effective treatment and there is no cure, yet MND can strike anyone at any time,
(vi) the vital role the MND community plays in providing care that minimises the loss of dignity for those suffering from MND, and
(vii) that progress has definitely been made with MND research, and ongoing effort is needed to achieve breakthroughs that will lead to a cure; and
(b) acknowledges the collective effort of MND associations, families and friends in ensuring no one faces MND alone, and striving to raise awareness and engage with the community towards bettering our understanding of the causes of MND, finding effective treatments and discovering a cure.

Question put and passed.

29 Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 797—That the following bill be introduced:

A Bill for an Act to amend the Defence Act 1903, and for related purposes.

Question put and passed.

Senator Patrick presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Patrick moved—That this bill be now read a second time.

Explanatory memorandum: Senator Patrick, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Patrick in continuation.

30 Murray-Darling Basin Authority—Adjustment mechanism projects—Order for production of documents

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 798—That—

(1) The Senate notes that:

(a) on 7 February 2018, the Senate agreed to an order for the production of documents concerning all assessments of the 36 adjustment mechanism projects completed by the Murray-Darling Basin Authority (MDBA);

(b) on 22 March 2018, the Minister for Resources and Northern Australia (Senator Canavan) tabled documents within the scope of the order in full; and

(c) on 23 March 2018, the MDBA wrote to Senator Patrick advising that the documents they had provided do not, in isolation, provide a good representation of how the final agreed package of projects was put together by jurisdictions, and the strength of the assessment process undergone by all proposals brought forward by Basin states, but advised that there was a final modelled notified package that included all issues raised by jurisdictions in their assessments.

(2) There be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by no later than 3.30 pm on 15 May 2018:

(a) the final modelled notified package for all adjustment mechanism projects; and

(b) the current project status of all adjustment mechanism projects.
Statement by leave: The Assistant Minister for Agriculture and Water Resources (Senator Ruston), by leave, made a statement relating to the motion.

Question put and passed.

31 MAYDAYS for Eating Disorders

Senator O’Neill, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 799—That the Senate—

(a) notes that:
   
   (i) MAYDAYS for Eating Disorders is the Butterfly Foundation’s annual awareness and advocacy campaign, which takes place nationally throughout the month of May,
   
   (ii) this year, MAYDAYS is focussed on raising the alarm on the crippling cost of eating disorders – the Butterfly Foundation has conducted a survey asking Australians to share their experiences on the cost of treating eating disorders and has found that:
       
       (A) 1 in 3 people had to go into debt in order to treat their eating disorder,
       
       (B) 40% of individuals could not complete studies or qualifications,
       
       (C) 78% of carers lost work or study hours in order to provide support, and
       
       (D) 1 in 4 people had to delay or stop treatment;

(b) calls on all levels of Government and the community to work together to help ensure those with, or at risk of, an eating disorder are able to access evidence-based early interventions and treatments;

(c) acknowledges the amazing and tireless work undertaken by eating disorder professionals across the country; and

(d) encourages anyone needing support with eating disorders or body image issues to contact Butterfly’s National Helpline on 1800 ED HOPE (334673).

Question put and passed.

32 World Day for Safety and Health at Work—Workers’ Memorial Day

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 800—That the Senate—

(a) notes that:
   
   (i) 28 April 2018 commemorated World Day for Safety and Health at Work and Workers’ Memorial Day, and
   
   (ii) World Day for Safety and Health at Work and Workers’ Memorial Day is a day for promoting safety and health in the workplace and to honour those who have died from work-related injury or illness;

(b) acknowledges that:
   
   (i) Ms Gayle Woodford was a remote area nurse in South Australia who was attacked and killed while on call in South Australia’s Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in March 2016,
   
   (ii) the maliciousness of the attack, the isolation of the work-setting and the dedication to her patients and their families drew collective shock and grief from around the country,
in November 2017, the South Australian Parliament passed a law that now requires remote area nurses, like Ms Gayle Woodford, to work in pairs, known as ‘Gayle’s Law’ – the law came into effect in South Australia on 12 December 2017,

‘Gayle’s Law’ is only effective in South Australia, despite the Northern Territory implementing a second responder call-out policy since March 2017,

in November 2017, at the Council of Australian Governments (COAG) meeting, federal and state health ministers discussed adopting similar safety measures within their jurisdictions,

with the Minister for Health’s endorsement, health ministers agreed to investigate how these guidelines could be implemented under their own relevant state or territory legislation, and

whilst the matter was considered at COAG and a commitment to better protection for nurses is welcome, there needs to be action in the form of legislation;

recognises that:

(i) Australia might be a federation but there is no reason nurses should be afforded different safety and security rights depending on what side of our state and territory borders they carry out their vital work, and

(ii) there are about 1000 remote area nurses in Australia, mostly women, and their work is challenging where they can be called upon for everything from a toothache or a wound needing stitches, to medical evacuation, childbirth or domestic violence-related injuries;

(further recognises the efforts of Ms Woodford’s family and RAN Core to ensure that ‘Gayle’s Law’ is introduced and passed into every Parliament in Australia; and

requests the Minister for Health to urge his state and territory counterparts to adopt similar legislative safety measures within their jurisdictions without delay.

Question put and passed.

International Myalgic Encephalomyelitis and Chronic Fatigue Syndrome Awareness Day

Senator Urquhart, at the request of Senators Polley and Griff and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 802—That the Senate—

(a) notes that:

(i) 12 May 2018 is International Myalgic Encephalomyelitis (ME) and Chronic Fatigue Syndrome (CFS) Awareness Day,

(ii) ME and CFS are debilitating neurological illnesses that affect the brain, endocrine system and muscles in adults and children,

(iii) ME and CFS affect between 94,000 and 242,000 Australians, with around 25% of people with ME and CFS unable to leave their house or bed,

(iv) the lack of a current diagnostic test for ME and CFS is a barrier to people receiving timely and accurate diagnosis,
(v) there is no current cure or effective treatment for ME and CFS and more biomedical research needs to be done to better understand this medical condition, and

(vi) there are actions and activities across Australia this week to mark Awareness Day, including Millions Missing events;

(b) acknowledges:
   (i) the positive development of the National Health and Medical Research Council (NHMRC) establishing a ME/CFS advisory committee to advise if new guidelines are needed in Australia, and
   (ii) the important role of families and carers of people living with ME/CFS; and

(c) urges:
   (i) the NHMRC to ensure the ME/CFS advisory committee runs an open and transparent process that includes advice from leading scientists and clinicians, and
   (ii) federal, state, territory and local governments to take leadership and work with people who have ME/CFS to help them get the support they need.

Question put and passed.

34 Overseas departmental and agency staff—Order for production of documents

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong), amended general business notice of motion no. 803 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that there be laid on the table, by no later than 11.45 am on 10 May 2018, outstanding answers to the questions on notice listed, relating to department or agency staff based overseas, asked of the following ministers:

(a) Senator Cormann, Minister representing the Prime Minister, question on notice no. 698;

(b) Senator Payne:
   (i) Minister for Defence, question on notice no. 710,
   (ii) Minister representing the Minister for Defence Industry, question on notice no. 723, and
   (iii) Minister representing the Minister for Defence Personnel, question on notice no. 728; and

(c) Senator Cash, Minister representing the Attorney-General, question on notice no. 702.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

35 Questions on notice—Answers—Order for production of documents

Senator Urquhart, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 804—that there be laid on the table, by no later than 11.45 am on 10 May 2018, outstanding answers to the 23 questions on notice listed, asked of the Minister representing the Prime Minister (Senator Cormann):

(a) nos 358, 359, 360, 361, 362 and 363 (asked on 10 February 2017);
(b) no. 473 (asked on 5 May 2017);
(c) nos 502, 503 and 506 (asked on 17 July 2017);
(d) nos 577, 578, 579, 580, 581, 582, 583, 584, 585 and 586 (asked on 30 October 2017); and
(e) nos 690, 691 and 692 (asked on 5 February 2018).

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

36 Treasury Laws Amendment (Axe the Tampon Tax) Bill 2018

Senator Rice, also on behalf of Senators Griff, Leyonhjelm and Hinch, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 805—That the following bill be introduced:


Question put and passed.

Senator Rice presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Rice moved—That this bill be now read a second time.

Explanatory memorandum: Senator Rice, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Rice in continuation.

37 Homelessness

Senator Rhiannon, also on behalf of Senator Cameron, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 806—That the Senate—

(a) notes that:

(i) according to the Anglicare Australia 2018 Rental Affordability Snapshot, only 6% of surveyed rental properties nationwide were affordable and appropriate for households on government income support payments,
(ii) the same research showed that for households on the minimum wage only 28% of surveyed rental properties nationwide were suitable, and
(iii) the 2016 Census data revealed that more than 116,000 people were experiencing homelessness on Census night; and

(b) calls on the Government to:

(i) provide real support for people who are homeless by increasing the real level of funding for homelessness services and social housing, and
work with the states, territories and relevant non-government organisations to set national minimum tenancy standards to ensure that tenants’ rights are protected in relation to matters including fairer processes around lease terminations and evictions, fair standards to govern the amounts by which rents can be increased, and provide for long-term residential leases that enable households the full enjoyment of a secure home.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

38 World Red Cross and Red Crescent Day

Senator Urquhart, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 809—

That the Senate—

(a) notes that:

(i) 8 May 2018 was World Red Cross and Red Crescent Day and its theme in 2018 was ‘Everywhere for everyone, with a smile’,

(ii) this date is a global celebration of the work and bravery of Red Cross and Red Crescent volunteers around the world, and the diverse humanitarian services they offer in communities everywhere,

(iii) it also commemorates the birth, 190 years ago, of Henri Dunant, the founder of the Red Cross and the recipient of the first Nobel Peace Prize,

(iv) the activities of the Red Cross are without question a major achievement of human civilisation, both multidimensional and internationally recognised,

(v) in 1864, the First Geneva Convention was signed, establishing the International Red Cross Movement,

(vi) since then, the Red Cross has played a decisive role in dealing with numerous humanitarian crises, and

(vii) the International Red Cross Movement has evolved into the largest humanitarian network in the world, including the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), and the National Societies active in about 190 countries; and

(b) further notes that:

(i) every year, around the world, the Movement supports many millions of people affected by conflict, natural disasters and other emergencies, through its network of around 14 million volunteers and 450,000 staff,

(ii) the current global refugee crisis is an international challenge that calls for solidarity with the afflicted populations, and Australia’s constant presence with the help of organisations and movements, such as the Red Cross, and
3078  
No. 96—9 May 2018

(iii) World Red Cross and Red Crescent Day is not just a reminder of the principles of the Red Cross and Red Crescent, but also a starting point for our commitment to alleviating human suffering and protecting human life and dignity in Australia and around the world.

Question put and passed.

39 2017-18 additional estimates—Unanswered questions on notice—Order for production of documents

Senator Urquhart, at the request of Senator Collins and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 811—that there be laid on the table by the Leader of the Government in the Senate (Senator Cormann), by no later than 11.45 am on 10 May 2018, all outstanding answers to questions on notice as at 26 April 2018 from the 2017-18 additional estimates hearings in the following portfolios:

(a) Health (141 answers);
(b) Human Services (16 answers);
(c) Jobs and Innovation (Industry, Innovation and Science), in which no questions have been answered (91 answers);
(d) Treasury (48 answers);
(e) Education and Training (118 answers);
(f) Jobs and Innovation (Jobs and Small Business) (73 answers);
(g) Environment and Energy (126 answers);
(h) Prime Minister and Cabinet (including cross portfolio Indigenous matters and agencies) (74 answers);
(i) Defence, including Veterans’ Affairs (60 answers);
(j) Agriculture and Water Resources (including cross portfolio Murray-Darling Basin Plan matters), in which no questions have been answered (212 answers); and
(k) Infrastructure, Regional Development and Cities, in which no questions have been answered (128 answers).

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

40 Qualification of Senator Gallagher—Vacancy in the representation of the Australian Capital Territory—Documents

The President tabled the following documents:

Qualification of Senator Gallagher—Vacancy in the representation of the Australian Capital Territory—Letter from the Senior Registrar, High Court of Australia (Ms Rogers) to the Clerk of the Senate (Mr Pye), dated 9 May 2018, attaching court order and reasons for judgment.

41 Discussion of matter of public importance—Budget 2018-19

The President informed the Senate that, at 8.30 am today, five senators had each submitted a letter in accordance with standing order 75. The proposal to be submitted to the Senate was determined by lot.
As a result, the President informed the Senate that Senator O’Neill had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Prime Minister’s unfair Budget, which gives big business and the banks an $80 billion tax handout and makes Australians pay for it with savage cuts.

The proposal was supported by four senators and the matter was discussed.

After 5 pm: Discussion was interrupted.

42 First speech
Pursuant to order, Senator Storer made his first speech.

43 Discussion of matter of public importance—Budget 2018-19
Discussion of the matter of public importance proposed by Senator O’Neill (see entry no. 41) concluded.

44 Documents—Consideration
Documents tabled earlier today (see entry no. 2) were considered as follows:

Motion to take note of documents nos 1 to 3 moved by Senator Ketter. Consideration to resume on Thursday at general business.

Motion to take note of documents nos 4 to 9 moved by Senator Bartlett. Consideration to resume on Thursday at general business.

45 Committee reports and government responses—Tabling and consideration
Pursuant to order, Senator Smith, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Duniam), tabled the following report:


Senator Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following reports:


Senator Smith, at the request of the Acting Chair of the Standing Committee for the Scrutiny of Bills (Senator Williams), tabled the following report:


Senator Smith, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:

Senator Smith, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Senator Smith moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Smith in continuation.

The Minister for Communications (Senator Fifield) tabled the following document:


46 Committee membership
The Acting Deputy President (Senator Williams) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Communications (Senator Fifield), by leave, moved—that Senator Whish-Wilson replace Senator Rice on the Rural and Regional Affairs and Transport References Committee for the committee’s inquiry into air route service delivery to rural, regional and remote communities, and Senator Rice be appointed as a participating member.

Question put and passed.

47 Interstate Road Transport Legislation (Repeal) Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:


The Minister for Communications (Senator Fifield) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Fifield moved—that this bill be now read a second time.

On the motion of Senator Fifield the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

48 Interactive Gambling Amendment (Lottery Betting) Bill 2018
Protection of the Sea Legislation Amendment Bill 2018
Statute Update (Autumn 2018) Bill 2018
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 365, dated 9 May 2018—A Bill for an Act to amend the Interactive Gambling Act 2001, and for other purposes.
Message no. 362, dated 9 May 2018—A Bill for an Act to amend the law relating to the protection of the sea, and for related purposes.


The Minister for Communications (Senator Fifield) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Fifield moved—That these bills be now read a second time.

On the motion of Senator Fifield the debate was adjourned till the next day of sitting.

Consideration of legislation: Senator Fifield moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

49 Migration Amendment (Skilling Australians Fund) Bill 2018

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:


50 Basin Plan Amendment (SDL Adjustments) Instrument—Proposed disallowance

Senator Hanson-Young, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Basin Plan Amendment (SDL Adjustments) Instrument 2017, made under the Water Act 2007, be disallowed [F2018L00040].

Debate ensued.

Question put.

The Senate divided—

**AYES, 11**

Senators—

Bartlett  
Di Natale  
Griff  
Hanson-Young  
McKim  
Patrick  
Rhiannon  
Rice  
Steele-John  
Whish-Wilson

**NOES, 46**

Senators—

Abetz  
Anning  
Bernardi  
Bilyk  
Birmingham  
Brockman  
Burston  
Bushby  
Cameron  
Carr  
Chisholm  
Colbeck  
Collins  
Duniam  
Farrell  
Fawcett  
Gallacher  
Georgiou  
Gichuhi  
Hanson  
Hinch  
Hume  
Keneally  
Ketter  
Kitching  
Leyonhjelm  
Marshall  
Martin  
McCarthy  
McKenzie  
Molan  
Moore  
O'Neill  
O'Sullivan  
Paterson  
Payne  
Pratt  
Reynolds  
Ruston  
Singh  
Smith  
Sterle  
Stoker  
Storer  
Urquhart*  
Watt

* Tellers

Question negatived.
Communications Legislation Amendment (Regional and Small Publishers Innovation Fund) Bill 2017

Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time—and on the amendment moved by Senator O’Neill (see entry no. 11).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 30**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Senators</th>
<th>Senators</th>
<th>Senators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartlett</td>
<td>Farrell</td>
<td>McCarthy</td>
<td>Siewert</td>
</tr>
<tr>
<td>Bilyk</td>
<td>Gallacher</td>
<td>McKim</td>
<td>Singh</td>
</tr>
<tr>
<td>Brown</td>
<td>Hanson-Young</td>
<td>Moore</td>
<td>Steele-John</td>
</tr>
<tr>
<td>Cameron</td>
<td>Keneally</td>
<td>O’Neill</td>
<td>Sterle</td>
</tr>
<tr>
<td>Carr</td>
<td>Ketter</td>
<td>Pratt</td>
<td>Urquhart</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Kitching</td>
<td>Rhiannon</td>
<td>Watt</td>
</tr>
<tr>
<td>Collins</td>
<td>Marshall</td>
<td>Rice</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Di Natale</td>
<td>McAllister*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 36**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Senators</th>
<th>Senators</th>
<th>Senators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Duniam</td>
<td>Hume</td>
<td>Payne</td>
</tr>
<tr>
<td>Anning</td>
<td>Fawcett*</td>
<td>Leyonhjelm</td>
<td>Reynolds</td>
</tr>
<tr>
<td>Bernardi</td>
<td>Fierravanti-Wells</td>
<td>Martin</td>
<td>Ruston</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Fifield</td>
<td>McGrath</td>
<td>Ryan</td>
</tr>
<tr>
<td>Brockman</td>
<td>Georgiou</td>
<td>McKenzie</td>
<td>Scullion</td>
</tr>
<tr>
<td>Burston</td>
<td>Gichuhi</td>
<td>Molan</td>
<td>Smith</td>
</tr>
<tr>
<td>Bushby</td>
<td>Griff</td>
<td>O’Sullivan</td>
<td>Stoker</td>
</tr>
<tr>
<td>Cash</td>
<td>Hanson</td>
<td>Paterson</td>
<td>Storer</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Hinch</td>
<td>Patrick</td>
<td>Williams</td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

Main question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill, taken as a whole by leave, debated.

At 7.20 pm: The Acting Deputy President (Senator Kitching) resumed the chair and the Temporary Chair of Committees reported progress.

Adjournment

The Acting Deputy President (Senator Kitching) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.50 pm till Thursday, 10 May 2018 at 9.30 am.
53 Attendance
Present, all senators except Senators Polley and Sinodinos (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate